

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 37

September 10, 1987

Pages 1309-1348

IN THIS ISSUE . . .

	Page
Legislative Interim Committee Schedule	1310
State Conservation Commission	
Notice of Meeting	1312
Division of Services for the Blind Advisory Committee	
Notice of Meeting	1312
Notice to Bidders for State Purchases	1312
Board of Adult Care Home Administrators	
Notice of Meeting	1313
Governor's Task Force on Tax Reform	
Notice of Meeting	1313
Executive Appointments	1313
Office of Judicial Administration	
Public Notice	1314
State Banking Board	
Notice of Meeting	1314
Department of Health and Environment	
Notice of Availability of Funds for Early Intervention Projects	1314
Notices of Hearings on Proposed Administrative Regulations	1314, 1315
Notice Concerning Hazardous Waste Permit	1315
Court of Appeals Docket	1316
Attorney General	
Opinions No. 87-126 through 87-130	1321
Notice of Bond Sale	
City of Salina	1322
U.S.D. 440, Harvey County	1324
Doniphan County	1327
City of Lakin	1329
Temporary Administrative Regulations	
Emergency Medical Services Council	1331
Savings and Loan Department	1337
Consumer Credit Commissioner, Credit Union Administrator, and Savings and Loan Department (joint)	1338
State Board of Education	
Notice of Hearing on Proposed Administrative Regulations	1338

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of September 14 through September 27:

Date	Room	Time	Committee	Agenda
Sept. 15	123-S	10:00 a.m.	Special Committee on Ways and Means	15th: Proposal No. 36—Retirants Health Care. Proposal No. 37—Sick and Annual Leave Policies. Proposal No. 42—Community Mental Health Centers. Staff review of Proposals No. 34 and No. 35. 16th: Hearing on Proposals No. 34 and No. 35—Regents' Equipment and Capital Improvements.
Sept. 16	123-S	9:00 a.m.		
Sept. 15	527-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda unavailable.
Sept. 16	527-S	9:00 a.m.		
Sept. 17	514-S	10:00 a.m.	Special Committee on Assessment and Taxation	17th: Briefing on reappraisal; review of bill drafts on Freeport exemption and bond interest exemption; hearings on corporation income tax; briefing on sales tax exemptions and taxation of mail order sales. 18th: Presentation and consultation—Steven Gold, NCSL staff, on sales tax policy.
Sept. 18	514-S	9:00 a.m.		

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BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

Sept. 17	519-S	10:00 a.m.	Joint Committee on Economic	17th: Committee discussion
Sept. 18	519-S	9:00 a.m.	Development	and possible
				recommendations on topics
				addressed at previous
				meetings.
				18th: (a.m.) Presentations on
				studying ways to assist
				small businesses in
				obtaining work from the
				federal government; and
				(p.m.) examining ways to
				ease export financing for
				small businesses.
Sept. 17	531-N	10:00 a.m.	Special Committee on Public	17th: Hearings on Proposal
Sept. 18	531-N	9:00 a.m.	Health and Welfare	No. 28—Licensing of
				Foreign-Educated Health
				Care Providers.
				18th: (a.m.) Proposal No.
				30—Epilepsy and Other
				Seizure-Related Disorders;
				and (p.m.) Proposal No.
				29—Mandatory Reporting
				and Peer Assistance for
				Health-Related
				Professionals.
Sept. 17	529-S	10:00 a.m.	Special Committee on Special	Hearings on claims filed to
Sept. 18	529-S	9:00 a.m.	Claims Against the State	date.
Sept. 21	514-S	10:00 a.m.	Joint Committee on	Agenda unavailable.
Sept. 22	514-S	9:00 a.m.	Administrative Rules and	
			Regulations	
Sept. 21	526-S	10:00 a.m.	Special Committee on Federal	Agenda unavailable.
Sept. 22	526-S	9:00 a.m.	and State Affairs	
Sept. 23	514-S	10:00 a.m.	Special Committee on Local	23rd: Discussion with K.U.
Sept. 24	514-S	9:00 a.m.	Government	Medical Center personnel
				on Proposal No. 26—
				Emergency Medical
				Services.
				24th: Hearing on Proposal
				No. 24—General Obligation
				Bonds.
Sept. 24	123-S	10:00 a.m.	Joint Committee on State	Review of selected state
Sept. 25	123-S	9:00 a.m.	Building Construction	agencies' FY 1989 capital
				improvement requests.
Sept. 24	519-S	10:00 a.m.	Special Committee on	Agenda unavailable.
Sept. 25	519-S	9:00 a.m.	Judiciary	

WILLIAM R. BACHMAN
 Director of Legislative
 Administrative Services

State of Kansas

STATE CONSERVATION COMMISSION**NOTICE OF MEETING**

The State Conservation Commission will meet at 8:30 a.m. Monday, September 14, at the Sun Dome Motel, 11 Des Moines, South Hutchinson.

Persons not on the commission's mailing list may request a copy of the agenda by contacting Yolanda Pardee, Room 300, 109 S.W. 9th, Topeka 66612, (913) 296-3600.

KENNETH F. KERN
Executive Director

Doc. No. 005752

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
DIVISION OF SERVICES FOR THE BLIND
ADVISORY COMMITTEE****NOTICE OF MEETING**

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Friday, September 18, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
Director, Division of
Services for the Blind

Doc. No. 005757

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, SEPTEMBER 21, 1987

#70673

Kansas Soldiers' Home—BUILDING MATERIALS

#70674

Department of Revenue—CONTINUOUS FORMS:
DC/d 201

#70675

Department of Transportation—AGGREGATE,
Blaine

#70746

Department of Corrections—CHAIN LINK
FENCING, GATES AND ACCESSORIES, Norton and
Osawatomie

#70762

Kansas Highway Patrol—TWO-WAY PORTABLE
RADIOS

TUESDAY, SEPTEMBER 22, 1987

#27334 Supplement

University of Kansas Medical Center and other state
agencies—PLASTIC AND RUBBER GOODS

#70703

Department of Social and Rehabilitation
Services—CONTINUOUS MAILERS-IM-3114

#70704

Kansas Neurological Institute—MISCELLANEOUS
GROCERIES

#70720

Department of Transportation—FILM AND
DEVELOPER

WEDNESDAY, SEPTEMBER 23, 1987

#A-5556

Winfield State Hospital and Training
Center—REMOVE AND REPLACE DOMESTIC
WATER LINES—TUNNEL JUNCTION "B" TO
PINECREST BUILDING

#A-5558

Winfield State Hospital and Training
Center—REPLACE COOLING WATER TANK,
Commissary Building

#70728

Attorney General—PLAIN PAPER COPIER

#70743

Kansas Bureau of Investigation—9MM HANDGUNS

#70744

Department of Transportation—PLANT MIX,
Independence

#70745

Winfield State Hospital and Training
Center—LINENS

#70747

Department of Transportation—AIR COMPRESSOR,
PORTABLE, various locations

#70748

Department of Transportation—BACKHOE AND
IMPACTOR, Topeka and Chanute

#70749

Department of Transportation—BITUMINOUS
DISTRIBUTOR AND TRUCK, various locations

THURSDAY, SEPTEMBER 24, 1987

#70760

Department of Transportation—LOADERS, various
locations

#70761

University of Kansas—LAB EQUIPMENT

FRIDAY, SEPTEMBER 25, 1987

#A-5823

Pittsburg State University—ROOFING SYSTEM
REPLACEMENT, PHASE II, Hartman Hall

TUESDAY, SEPTEMBER 29, 1987

#A-5757 and #A-5864

Department of Wildlife and Parks—ROCKY FORD
FISHING AREA IMPROVEMENTS, Pottawatomie
County

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005747

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
BOARD OF ADULT CARE HOME
ADMINISTRATORS****NOTICE OF MEETING**

The Board of Adult Care Home Administrators will meet at 1:30 p.m. Friday, September 18, in the executive conference room at the Kansas Department of Health and Environment, Building 740, Forbes Field, Topeka.

NORMAN DURMASKIN
Chairman

Doc. No. 005738

State of Kansas

**DEPARTMENT OF REVENUE
GOVERNOR'S TASK FORCE
ON TAX REFORM****NOTICE OF MEETING**

The Governor's Task Force on Tax Reform will meet at 10 a.m. Wednesday, September 16, in the Department of Revenue conference room, second floor, Robert B. Docking State Office Building, Topeka. The tentative agenda includes a discussion of tax reform options, alternative minimum taxes and selected sales tax issues. Further information is available from Harley T. Duncan, Secretary of Revenue and chairperson of the task force.

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 005711

State of Kansas

**SECRETARY OF STATE
EXECUTIVE APPOINTMENTS**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed August 24 through September 1:

District Judge, 13th Judicial District

R. Morgan Metcalf, 101 S. Summit, El Dorado 67042. Effective August 31, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Page W. Benson, Division 2, resigned.

McPherson County Treasurer

Jerilyn Johnston, 520 S. Park Ave., McPherson 67460. Effective August 25, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Richard R. Cobb, deceased.

Kansas Coal Commission

Sen. Phil Martin, 403 W. Euclid, Pittsburg 66762. Effective August 26, 1987. Term expires June 30, 1990. Appointed by the Senate Minority Leader.

Kansas Development Finance Authority

H. Edward Flentje, 155 N. Quentin, Wichita 67208. Effective August 31, 1987. Subject to Senate confirmation. Term expires August 27, 1989.

Christopher K. McKenzie, 1116 Avalon Road, Lawrence 66044. Effective August 31, 1987. Subject to Senate confirmation. Term expires August 27, 1989.

Dennis McKinney, 612 S. Spruce, Greensburg 67054. Effective August 31, 1987. Subject to Senate confirmation. Term expires August 27, 1991.

Harry E. Wigner, Jr., 8532 Juniper Lane, Prairie Village 66207. Effective August 31, 1987. Subject to Senate confirmation. Term expires August 27, 1991.

**Kansas Advisory Commission of Employment
of the Handicapped**

Lee Anne Skinner, 1223 S.W. Glendale Drive Apt. C, Topeka 66614. Effective August 26, 1987. Term expires August 24, 1989. Appointed by the Senate Minority Leader.

**Kansas University Medical School
Admissions Board**

Tandy Leinwetter, Box 423, Montezuma 67867. Effective September 1, 1987. Serves at the pleasure of the Governor. Succeeds Patricia Davis.

Katie Martin, 204 E. 3rd, Smith Center 66967. Effective September 1, 1987. Serves at the pleasure of the Governor. Succeeds Rita Spradlin.

Lisa Miller, Route 1, Wellington 67152. Effective September 1, 1987. Serves at the pleasure of the Governor. Succeeds Edward R. Nickel.

E. Blaine Schoolcraft, Box 5, Waverly 66871. Effective September 1, 1987. Serves at the pleasure of the Governor. Succeeds Steven Curtis.

Tom Williams, 6834 Garfield Ave., Kansas City 66102. Effective September 1, 1987. Serves at the pleasure of the Governor. Succeeds Dorothy Olomon.

Kansas Water Authority

Kyle Bauer, Morganville 67468. Effective July 1, 1987. Term expires June 30, 1989. Succeeds Raymond F. Roemer. Appointed by the Speaker of the House.

BILL GRAVES
Secretary of State

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

PUBLIC NOTICE

An encomium for Chief Justice Alfred G. Schroeder, retired, will be held Friday, September 18, at 1:30 p.m. in the Supreme Court Courtroom, Topeka. Jack Euler, past president of the Kansas Bar Association, will be presiding. The Honorable John Brookens will be speaking on behalf of the Kansas Bar Association and the Honorable Robert H. Miller will be speaking on behalf of the Supreme Court.

RON KEEFOVER

Information—Education Officer

Doc. No. 005736

State of Kansas

STATE BANK COMMISSIONER

STATE BANKING BOARD

NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, September 21, in the conference room of the State Banking Department, Suite 300, 700 Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. NEWTON MALE

State Bank Commissioner

Doc. No. 005753

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE OF AVAILABILITY OF FUNDS
FOR EARLY INTERVENTION PROJECTS

The Department of Health and Environment announces that funds are available for grants for projects carrying out the following activities:

- (1) development of a coordinated, comprehensive, multidisciplinary interagency program for appropriate early intervention services to infants and toddlers, birth through two years, with developmental delays and their families, or
- (2) expansion of a coordinated, comprehensive multidisciplinary interagency program that provides appropriate early intervention services to infants and toddlers, birth through two years, with developmental delays and their families.

To receive consideration, mailed applications must be postmarked on or before October 16. Hand delivered applications must be received by 5 p.m. October 16.

Application guidance materials may be obtained by contacting Carolyn K. Vath Domingo, R.N., M.S., Crippled and Chronically Ill Children's Program, Bureau of Family Health, KDHE, Landon State Office Building, Topeka 66620-0001, (913) 296-1313.

STANLEY C. GRANT, Ph.D.

Secretary of Health
and Environment

Doc. No. 005756

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Tuesday, September 29, in Conference Room B, Forbes Field, Building 740, Topeka, to consider the adoption of a proposed permanent Kansas Department of Health and Environment rule and regulation.

K.A.R. 28-15-56a redefines waste treatment facilities for slaughter houses processing less than 50 animals per week as commercial waste treatment facilities and clarifies the definition of cooling water discharge. The fiscal impact of this regulation would be \$1,620 per year decrease in collections.

Copies of the rule and regulation and a fiscal impact statement may be obtained by contacting Dave Waldo, Department of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001, (913) 296-5502.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment at the address above. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulation. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.

Secretary of Health
and Environment

Doc. No. 005755

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE CONCERNING
HAZARDOUS WASTE PERMIT**

The Kansas Department of Health and Environment (KDHE), Forbes Field, Topeka, proposes to deny a hazardous waste storage facility permit for Magic Wash Company, 18 Central Ave., Kansas City, Kansas.

Magic Wash Company has requested that the interim status for its hazardous waste storage facility be terminated. Kansas Administrative Regulation 28-31-9 requires that KDHE either issue or deny a permit in order to terminate a facility's interim status.

A notice of intent to deny a permit is a type of draft permit subject to procedures applicable to draft permits as set forth in K.A.R. 28-31-9, incorporating by reference 40 CFR Part 124, and is based upon the administrative record. The administrative record consists of the notice of intent to deny hazardous waste permit, the statement of basis which describes the reasons supporting the decision, the closure procedures, and data submitted by the facility.

Magic Wash Company, EPA I.D. Number KSD053965026, rented and serviced parts washers which generated spent hazardous waste solvents (D001). The solvents were recovered from the waste using a still located at the facility. In a letter dated February 10, 1986, Magic Wash notified KDHE that it intended to cease operations. On May 29, 1986, an approved closure plan was placed on public review for comments. No adverse comments were received. The closure of the facility was certified on September 23, 1986.

The administrative record will be available for public review from September 14 to October 28 from 8 a.m. to 4:30 p.m. Monday through Friday at the KDHE Topeka office, Building 730, Forbes Field, Topeka 66620; at the KDHE Lawrence district office, 808 W. 24th, Lawrence 66046; and at the U.S. Environmental Protection Agency—Region VII Offices, 726 Minnesota Ave., Kansas City 66101.

Comments and requests for additional information should be directed to John Paul Goetz, Bureau of Waste Management, at the KDHE Topeka office. Additional information may also be requested by phone at (913) 296-1607. All comments must be submitted in writing by October 28.

If comments are received which indicate a significant degree of public interest, a public hearing will be scheduled. Requests for a public hearing must be in writing and must state the nature of the issues to be raised at the hearing. Such requests must be submitted by October 28, 1987. The public notice and public hearing procedures may be found in K.A.R. 28-31-9, incorporating by reference 40 CFR Sections 124.11 and 124.12.

After considering all comments received, KDHE will make a final permit decision. If the determination is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting written comments or requesting the notice of final

permit determination. If the determination is substantially changed from that announced by this notice, a new public notice will be issued and the public participation process will be reopened.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005749

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment will conduct a public hearing at 1:30 p.m. Tuesday, September 29, in Conference Room A, Forbes Field, Building 740, Topeka, to consider the adoption of proposed permanent Kansas Department of Health and Environment rules and regulations.

K.A.R. 28-15-35 relates to the conditions of approval and certification of environmental laboratories in Kansas. The revision requires all laboratories located outside of the state of Kansas to submit comparable certification from a federal, state or independent agency in order to be issued Kansas certification. K.A.R. 28-15-36 relates to the minimum requirement for approval of environmental laboratories. The only revision is an update of the history.

These regulations do not impose any additional fiscal impact.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Theresa Hodges, Department of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001, (913) 296-1640.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment at the address above. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005754

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
Courtroom 11-1, 11th Floor, Sedgwick County Courthouse
525 N. Main, Wichita, Kansas

Before Abbott, C.J.; Davis, J.; and Position No. 6

Tuesday, September 15, 1987

1:00 p.m.

Case No.	Case Name	Attorneys	County
60,394	State of Kansas, Appellee, v. Bruce M. Deavours, Appellant.	Mona Furst, Assistant District Attorney Geary Gorup, Assistant District Attorney Attorney General Lucille Marino Benjamin C. Wood	Sedgwick
59,728	State of Kansas, Appellee, v. William H. Talbott, Appellant.	Clarence Holeman, Assistant District Attorney Geary Gorup, Assistant District Attorney Attorney General Charles A. Curfman Charles D. Sauer	Sedgwick
60,225	Rusty Coleman, Appellant, v. Safeway Store, Inc., Appellee.	N. Trip Shawver Steven R. Smith	Sedgwick
2:30 p.m.			
59,916	Forum Restaurants, Plaintiff, v. June Stough Dresie, Grey Dresie, Defendant, and June Stough Dresie, Appellant, v. Branson & Associates, Inc., Appellee.	Jack Peggs Karl Friedel	Sedgwick
60,277	In the Matter of the Estate of Raymond E. McKnight, Deceased.	Phillip Leon Gerald C. Scott Calvin McMillan	Sedgwick
59,870	Larry Cabelka, dba Green Line Implement Co., Appellee, v. Ron Ludwig, dba Ludwig Truck Lines, Douglas Ludwig and Elma R. Goode, Appellants.	Everett C. Fettis Amy S. Lemley	Sedgwick

Wednesday, September 16, 1987

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,264	In the Matter of the Marriage of Nancy Wessling and John W. Wessling.	Keith Richey Stephen Joseph Charles E. Millsap	Sedgwick

60,099	Charles Knight, Appellee, v. Shelter General Insurance Co., et al., Appellants.	Jack Shelton Jay F. Fowler	Sedgwick
59,946	In the Matter of the Estate of Max W. Walton, Deceased.	Jay F. Fowler Warner Moore	Sedgwick
60,305	Universal Underwriters Insurance, v. State Farm Mutual Auto Insurance Co., Appellee.	Quentin E. Kurtz Steven M. Kerwick	Sedgwick
10:30 a.m.			
59,719	Avis A. Solis and Timothy F. Noonan, Appellees, v. Farm Bureau Mutual Insurance Co., Inc., Appellant.	Gerald W. Scott Randy J. Troutt H. E. Jones Jane D. Hanisch Steven M. Kerwick	Sedgwick
59,637	David Zimmerman, Appellee, v. Charles C. Powers, Appellant.	Timothy A. Showalter Otis W. Morrow	Cowley
60,273	Doris Miller, Appellant, v. U.S.D. 470, Cowley County, Appellee.	Sally H. Rogers Donald Hickman	Cowley
Summary Calendar—No Oral Argument			
60,367	In the Interest of K.M.H., a Child in Need of Care.	Gerald L. Green Donna Whiteman William F. Bradley, Jr. Mark Braun	Reno
60,248	Nathan Lattimore, Appellant, v. State of Kansas, Appellee.	David Michael Rapp Attorney General Geary Gorup, Assistant District Attorney	Sedgwick

Kansas Court of Appeals
Courtroom 9-2, 9th Floor, Sedgwick County Courthouse
525 N. Main, Wichita, Kansas

Before Briscoe, P.J.; Position No. 8; and
Frederick Woleslagel, District Judge Retired, assigned.

Tuesday, September 15, 1987
1:00 p.m.

Case No.	Case Name	Attorneys	County
59,834	Jolene M. Heine, Appellee, v. Koch Fiberglass, Respondent, and Aetna Casualty & Surety, Appellant.	Steven C. Day Bradley Prochaska John L. Carmichael	Sedgwick
59,666	First National Bank in Wichita, Appellee, v. E. F. Hutton & Co., Inc., Appellant.	William F. Kluge III Lee Anne Hays	Sedgwick
59,818	Donna Hale Ard, Appellee, v. Ka-Tex Energies, Inc., Appellant.	Terry Pilgreen John V. Black	Sedgwick

(continued)

2:30 p.m.

59,785	Constance K. Culley, Jack L. Graham, Theodore L. Graham and Marjorie Stevens, Partners, dba March Oil Company, Appellants, v. Kan-Okla, Inc., Appellee.	Calvin L. Wiebe	Sedgwick
60,190	Richard H. Horner, Appellant, v. State Corporation Commission, Appellee.	Gerald L. Green Richard A. Shull	Hodgeman
59,971	Robert J. Hazelton, Appellant, v. Safeway Stores, Inc., Appellee.	Ann Rider Steven L. Foulston Steven R. Smith	Sedgwick

Wednesday, September 16, 1987

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,023	State of Kansas, Appellee, v. Christopher A. D'Agostino, Appellant.	Mona Furst, Assistant District Attorney Geary Gorup, Assistant District Attorney Attorney General Benjamin C. Wood Steven R. Zinn	Sedgwick
59,973	State of Kansas, Appellee, v. Patricia A. Pitchford, Appellant.	Geary Gorup, Assistant District Attorney Attorney General Jessica R. Kunen Benjamin C. Wood	Sedgwick
59,865	State of Kansas, Appellee, v. Garrett Jack Ogden, Appellant.	Geary Gorup, Assistant District Attorney Attorney General Orval L. Fisher	Sedgwick
59,708	Robert C. Dauffenbach, Appellant, v. City of Wichita, Victor Cawthorn, and Robert K. Leonard, Appellees.	Gerald L. Michaud Stanley Issinghoff H. E. Jones	Sedgwick
10:30 a.m.			
60,439	Ford Motor Credit Co., Appellee, v. Steve A. Sims, Appellant, v. Scholfield Bros. Inc., Appellees.	Malcolm C. Black Jon S. Womack Broc Whitehead	Sedgwick
59,807	Consolidated Oil Well Service Inc., Appellant, v. State Oil Co., et al., v. Delta Petroleum, Inc., Appellee, Kansas Oil Patch Service, Inc., v. State Oil Co., Inc., et al.	Shelby P. Horn Robert Eastman Clement H. Hall Joe F. Levy Rawley J. Dent Frederick J. Works	Montgomery

60,373 State of Kansas, Appellee,

Mona Furst, Assistant District Attorney
Geary Gorup, Assistant District Attorney
Attorney General

Sedgwick

v.
Roger G. Jones, Appellant.

N. Trip Shawver

Summary Calendar—No Oral Argument

60,424 In the Interest of C.Y.M., T.N.M., Z.M.,
S.M., and K.M.Randy Barker
E. Jolene Rooney
Gerald Domitrovic, Gdn. A/L
Donald C. Astle
Richard A. Macias
Paul J. Mohr

Sedgwick

60,473 In the Matter of P.L.H., a Minor Child
Under 18 Years of Age.Jennifer J. Lind-Spahn
Timothy G. Lahey

Sedgwick

Kansas Court of Appeals
Courtroom 7-1, 7th Floor, Sedgwick County Courthouse
525 N. Main, Wichita, KansasBefore Brazil, P.J.; Rees, J.; and Janice D. Russell,
District Judge, assigned.

Tuesday, September 15, 1987

1:00 p.m.

Case No.	Case Name	Attorneys	County
60,089	Cooke Auto Salvage, Inc., Appellee, v. Mark C. Walls, Appellant.	Norman G. Manley	Butler
60,472	State of Kansas, Appellee, v. Brandon S. Hole, Appellant.	Ray L. Connell Morgan Metcalf, County Attorney Attorney General	Butler
60,366	Leona D. Russell, Appellee, v. Forum Restaurants, Inc., Appellant.	Daniel E. Monnat C. Warner Eisenbise Don W. Riley Jay F. Fowler	Sedgwick
60,345	General Electric Credit Auto, Auto Lease, Inc., Appellant, v. James E. Alford and Debora L. Alford, Appellees.	John F. McGee Kris J. Kuhn	Sedgwick
59,662	Toi Graham Washington Turnipseed, aka S. Washington, aka Latoiya Graham, aka Toi Graham, Appellant, v. Dixie Readers Serv. Inc., et al., Appellees.	J. Michael Morris Gary M. Austerman Darrell L. Warta	Sedgwick
(60,003) (60,095) (60,102)	Gary Lee McColpin, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Geary Gorup, Assistant District Attorney Attorney General	Sedgwick

(continued)

Wednesday, September 16, 1987

9:00 a.m.

Case No.	Case Name	Attorney	County
60,458	Jon D. Mayo, Appellee, v. Sedgwick County Board of County Commissioners, Appellant.	Michael L. Snider Bradley Prochaska Michael R. Meacham	Sedgwick
60,254	Jo Ann Rogers, Appellee, v. Butler County Community College and its Board of Trustees, Appellants.	Arthur W. Solis Ken M. Clark James B. McKay	Butler
59,876	Falleys, Inc., Appellee, v. Burke Financial Corp., Appellant.	Michael Clutter Max C. Schulz Thomas J. Lasater Ron Campbell	Sedgwick

10:30 a.m.

59,745	Richard B. Weems and Janet L. Weems, Appellees, v. Eunice Hall, Appellant.	Joseph H. Cassell	Sedgwick
59,975	Edgar Wm. Dwire, <i>et al.</i> , Appellants, v. Warren M. Wilbert, Appellee.	Ted L. Peters Robert R. Arnold Kurt A. Harper	Sedgwick
60,471	Kenneth Stansbury, Jr., Minor, <i>et al.</i> , Appellants, v. Darris Harris, a Minor, Appellee.	Roger Sherwood Bradley A. Pistotnik	Sedgwick
59,907	Postal Savings & Loan Association, Appellee, v. Frank D. Williams and Aloha Kay Williams, Appellants.	Jay Fowler Stanley E. Oyler Frank Williams, <i>pro se</i> Aloha Williams, <i>pro se</i>	Shawnee

Summary Calendar—No Oral Argument

59,595	In the Interest of M.L.E., Jr., L.A.E., and S.V.E., Minor Children Under 18 Years of Age.	Jolene Rooney Karen Langstron, Gdn. A/L Gerald Domitrovic Richard L. Dickson	Sedgwick
60,201	State of Kansas, Appellee, v. David B. Simmons, Appellant.	Clarence Holeman, Assistant District Attorney Geary Gorup, Assistant District Attorney General Ernest L. Tousley	Sedgwick
60,420	In the Matter of the Marriage of Amy L. Wilkinson and Gregory Lee Wilkinson.	Mel Gregory Gregory Wilkinson, <i>pro se</i>	Sedgwick

LEWIS C. CARTER
Clerk of the Appellate Courts

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-126

Automobiles and Other Vehicles—Licensure of Vehicle Dealers and Manufacturers—Brokers. Representative Vernon L. Williams, 91st District, Wichita, August 28, 1987.

If passed into law, 1987 Senate Bill No. 115 would prohibit vehicle brokers from conducting business within the state of Kansas. We do not believe that this proposed prohibition is reasonable under the circumstances in that it is so oppressive that it prohibits the conduct of a lawful business for stated purposes that may be achievable by less oppressive means. For this reason we believe 1987 Senate Bill No. 115 in its current form would offend the guarantees of equal protection found in the United States and Kansas constitutions. If, however, the legislature could show a substantial relationship between the prohibition and the promotion of public health, safety and welfare, and that the prohibition is necessary to achieve such goal, 1987 Senate Bill No. 115 may be able to withstand constitutional challenge. Cited herein: 1987 Senate Bill No. 115; K.S.A. 8-2401; K.S.A. 8-2402; Kan. Const., Bill of Rights, §§ 1, 2, U.S. Const., 14th Amendment. JLM

Opinion No. 87-127

Taxation—Mortgage Registration and Intangibles; Mortgage Registration—Instruments Subject Thereto. Anne Reves, Pottawatomie County Register of Deeds, Westmoreland, August 28, 1987.

An instrument by which the purchaser of real property under an executory contract grants a lien on his equitable interest in the property is a "mortgage of real property" for purposes of K.S.A. 79-3101 *et seq.* If such an instrument gives notice of the existence of the unrecorded executory contract through which the purchaser obtained his interest in the real property, mortgage registration fees must be collected on the instrument itself *and* on the executory contract to which it refers. Cited herein: K.S.A. 79-3101; K.S.A. 1986 Supp. 79-3102. JLM

Opinion No. 87-128

Crimes and Punishments, General Provisions—Preliminary—Defendant Presumed Innocent.

Amendments to the Constitution of the United States—Amendment 14; Rights and Immunities of Citizens—Arrest Without Conviction as Bar to Right of Immunity. Senator Alicia L. Salisbury, 20th District, Topeka, September 1, 1987.

Topeka Code Section 34-193(6), which does not permit persons who have been previously arrested, but not convicted, on drug charges to obtain a license to carry a firearm while employed as a security guard, is violative of both state law and the Constitution of the United States. Cited herein: K.S.A. 21-3109; U.S. Const., 14th Amendment. BLB

Opinion No. 87-129

Automobiles and Other Vehicles—Seat Belts—Enforcement of Safety Belt Use Act. Thomas W. Jones, Thomas County Sheriff, Colby, September 1, 1987.

K.S.A. 1986 Supp. 8-2503(e) restricts the enforcement of the Kansas Safety Belt Use Act only in those situations where a law enforcement officer "effects an enforcement stop." Therefore, a person involved in a vehicular accident may be cited for failure to use a safety belt (if that person was not wearing one at the time of the accident) even if such person is not cited for any other violation. Cited herein: K.S.A. 1986 Supp. 8-2501 *et seq.*; K.S.A. 1986 Supp. 8-2503(e). JLM

Opinion No. 87-130

Public Health—Water Supply and Sewage—State Statutory Implementation of the National Pollutant Discharge Elimination System Program. Pat Casey, Special Assistant to the Secretary of the Department of Health and Environment, Topeka, September 1, 1987.

Although a permit term or condition is not considered a "provision of the act" under K.S.A. 65-171t, and thus an action may not be brought pursuant to that section, injunctive relief may be sought through the broad powers granted to the secretary under K.S.A. 65-101. K.S.A. 65-170b grants broad authority to KDHE representatives to make inspections of records relating to a permitted facility to determine compliance with statutory and regulatory provisions relating to water pollution or public water supply. K.S.A. 65-171b does not provide for an override of the 30-day notice period provided by K.S.A. 65-165, but the same result may be achieved through injunctive relief. K.S.A. 60-224(b)(2) provides for permissive intervention when an applicant has a claim or defense with a question of law or of fact in common with the main action. "Sewage," as defined by K.S.A. 1986 Supp. 65-164, would include wastes with elevated temperatures, as long as they are "from domestic, manufacturing or other forms of industry." Cited herein: K.S.A. 60-224(b)(2); K.S.A. 65-101; K.S.A. 1986 Supp. 65-164; K.S.A. 65-165; 65-170b; 65-171b; K.S.A. 1986 Supp. 65-171d; K.S.A. 65-171t. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 005751

(Published in the KANSAS REGISTER, September 10, 1987.)

NOTICE OF BOND SALE
City of Salina, Kansas
\$2,650,000 Combined Water and
Sewage System Revenue Bonds
Series 1987

Sealed Bids

Sealed bids will be received by the governing body of the city of Salina, Kansas, at the office of the City Clerk, Suite 206, City-County Building, 300 W. Ash, P.O. Box 736, Salina, KS 67402-0736, until 2 p.m. C.D.T. on Monday, September 14, 1987, for the purchase of \$2,650,000 combined water and sewage system revenue bonds, Series 1987, at which time the bids will be publicly opened and read. All bids so received will be reported to the governing body of the city at a meeting to be held at 4 p.m. on said day, and the governing body of the city will accept the best bid or reject all bids at that meeting.

Details of the Bonds

The bonds will be dated October 1, 1987, and interest will be due on April 1 and October 1 in each year, beginning April 1, 1988. The bonds will be issued in fully registered form in the denomination of \$5,000 or integral multiples thereof for each maturity. Principal and interest will be paid by The First National Bank and Trust Company of Salina, Salina, Kansas, the bond registrar and paying agent. Principal of each bond will be payable to the registered owner at maturity upon presentation to the paying agent. Interest on each bond will be paid to the registered owner as shown on the registration records of the bond registrar on the 15th day of the calendar month next preceding each interest payment date. The bonds will mature serially as follows:

Maturity October 1	Principal Amount
1988	\$ 70,000
1989	75,000
1990	80,000
1991	85,000
1992	90,000
1993	95,000
1994	100,000
1995	105,000
1996	110,000
1997	120,000
1998	125,000
1999	135,000
2000	140,000
2001	150,000
2002	165,000
2003	175,000
2004	185,000
2005	200,000
2006	215,000
2007	230,000

Redemption Prior to Maturity

Bonds maturing on October 1, 1998 and thereafter will be subject to redemption and payment prior to maturity, at the option of the city, as a whole or in part

in inverse order of maturity, and in the manner determined by the bond registrar for partial redemption of bonds within a single maturity, on October 1, 1997 or on any interest payment date thereafter, at the respective redemption prices (expressed as percentages of the principal amount) set out below, plus accrued interest to the redemption date:

Redemption Dates	Redemption Prices
October 1, 1997 through September 30, 1998	102.00%
October 1, 1998 through September 30, 1999	101.50%
October 1, 1999 through September 30, 2000	101.00%
October 1, 2000 through September 30, 2001	100.50%
October 1, 2001 and thereafter	100.00%

Authority, Purpose and Security

The bonds are being issued pursuant to the provisions of K.S.A. 12-856 to 12-869, inclusive, and all amendments thereto, for the purpose of repairing, altering, extending, reconstructing, enlarging and improving the combined water and sewage system of the city, including, but not limited to, the reconstruction of the filter system which is part of the waterworks.

The bonds will be special obligations of the city, and the principal of, premium, if any, and interest on the bonds will be payable solely from the revenues of the system and not from any other fund or source. The bonds will constitute a lien on such revenues. The taxing power of the city will not be pledged to the payment of the bonds either as to principal or interest. The bonds will not be or constitute a general obligation of the city, nor will they constitute an indebtedness of the city within the meaning of any constitutional, statutory or charter provision, limitation or restriction.

The bonds will stand on a parity with respect to the payment of principal, premium, if any, and interest out of the revenues of the system and in all other respects with a series of combined water and sewage system revenue bonds, Series of 1984, in the original principal amount of \$2,770,000, of which \$1,760,000 remain outstanding.

The bonds will be junior and subordinate with respect to the payments of principal and interest out of the revenues of the system and in other respects to a series of combined water and sewerage system revenue bonds, Series of 1971, which have been refunded.

Bid Forms

All bids must be submitted on the official bid form which may be obtained from the undersigned at the address shown below. No additions or alterations in said form shall be made and any erasures may cause rejection of a bid. The city reserves the right to waive irregularities.

Conditions of Bids

Bids will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. The same rate shall exceed the index of treasury bonds published by the weekly Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid shall

be for less than the principal amount of the bonds and accrued interest. No bids involving supplemental interest payments will be considered.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check or other official check drawn upon a bank located in the United States payable to the city in the amount of \$53,000, as evidence of good faith, to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. All checks of the unsuccessful bidders will be returned immediately upon the award of the bonds. If a bid is accepted, the check delivered to the city on account of such bid or the proceeds thereof will be held by the city until the successful bidder has complied with all the terms of this notice and of such bid, at which time the amount of said check will be credited to the successful bidder in the final settlement. If a bid is accepted but the city shall fail to deliver the bonds to the successful bidder in accordance with the terms of this notice and of such bid, said check or the proceeds thereof will be delivered to the successful bidder. If a bid is accepted and the successful bidder fails or refuses to take up and pay for the bonds in accordance with the terms and conditions of this notice and such bid, then the proceeds of said check shall be retained and accepted by the city as full and complete liquidated damages.

Submission of Bids

Bids accompanied by the good faith checks may be mailed to the undersigned at the address given below or delivered in sealed envelopes addressed to the undersigned at the place for opening bids described above. Each bid must be marked "Bid for the Purchase of Bonds," and must be received by the undersigned by 2 p.m. C.D.T. on Monday, September 14, 1987.

Basis of Award

Each bid shall specify the total interest cost during the life of the bonds on the basis of the rate or rates of interest specified in such bid; the premium, if any; the net interest cost on the basis of such bid; and the average annual net interest rate on the basis of such bid. The net interest cost will be determined by subtracting the amount of the premium, if any, from the total interest cost. The city shall be entitled to rely on such calculation of net interest cost in awarding the bonds. If there is any discrepancy between the net interest cost and the average annual net interest rate specified in the bid, the specified net interest cost shall govern and the interest rates on the bid will be adjusted accordingly. The city reserves the right to waive irregularities in a submitted bid or to reject any or all bids.

Delivery and Payment

The bonds, duly prepared, executed and registered, will be delivered without cost to the successful bidder on or before October 15, 1987. Payment shall be made in Federal Reserve funds or other immediately available funds not later than 11 a.m. C.D.T. on the day of delivery.

List of Registered Owners

The successful bidder must deliver to the bond registrar, before the close of business on the fifth business day prior to the date of delivery of the bonds, the names and addresses of the registered owners of the bonds and the denominations in which the bonds of each maturity are to be issued. If the successful bidder fails to submit such information to the bond registrar by the aforesaid date, one bond will be issued for each maturity date in the full amount maturing on such date and the bonds will be registered in the name of the successful bidder.

Legal Opinion and Transcript

The sale and issuance of the bonds will be subject to the legal opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, whose final approving opinion will be furnished and paid for by the city and will be printed on the bonds. The successful bidder will be furnished a certified transcript of proceedings evidencing the authorization and issuance of the bonds, which will include a certificate that no litigation is pending or threatened at the time of delivery of the bonds affecting the validity or security of the bonds.

Tax Exemption

In the opinion of bond counsel, under existing statutes, regulations, rulings and court decisions, including the Internal Revenue Code of 1986, interest on the bonds is not includable in gross income for purposes of federal income taxation. In rendering its opinion, bond counsel will state that it has assumed the city's present and continuing compliance with covenants in the proceedings of the city authorizing the issuance of the bonds and other documents. Interest on the bonds is not an item of tax preference for purposes of the individual or corporate alternative minimum tax, except that interest on the bonds may be subject indirectly to a corporate alternative minimum tax as pretax book income in taxable years beginning after December 31, 1986. Interest on the bonds also may be subject to a tax based on the modified alternative minimum taxable income of a corporation under the Superfund Amendments and Reauthorization Act of 1986 in taxable years beginning after December 31, 1986. In addition, interest on the bonds held by certain foreign corporations may be subject to the branch profits tax under the code in taxable years beginning after December 31, 1986. The city will designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code relating to interest deductions for banks and thrift institutions. Reference is made to the preliminary official statement for further discussion of the Tax Reform Act of 1986 and the Superfund Amendments and Reauthorization Act of 1986.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder to accept delivery of and pay for the bonds in accordance with the terms of this notice. All ex-

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penses in relation to the printing of CUSIP numbers on the bonds will be paid by the city.

Preliminary Official Statement and Official Statement

The city has prepared a preliminary official statement, copies of which may be obtained from the undersigned or Dean Witter Reynolds Inc., the city's financial adviser. Upon the sale of the bonds, the city will approve the final official statement and will furnish the successful bidder a reasonable number of copies thereof without additional cost. Additional copies may be ordered by the successful bidder at his expense.

Additional Information

Additional information may be obtained from Dean Witter Reynolds Inc., 300 Three First National Plaza, Chicago, IL, (312) 984-4541, the city's financial adviser, or the undersigned.

Dated September 3, 1987.

Robert K. Biles
City Clerk
City-County Building
Suite 206
300 W. Ash St.
P.O. Box 736
Salina, KS 67402-0736
(913) 827-9653

Doc. No. 005745

(Published in the KANSAS REGISTER, September 10, 1987.)

NOTICE OF BOND SALE

\$600,000

General Obligation Bonds

Series 1987

of

Unified School District 440

Harvey County, Kansas (Halstead)

**(general obligation bonds payable
from unlimited ad valorem taxes)**

Sealed Bids

Sealed bids will be received by the undersigned, clerk of Unified School District 440, Harvey County, Kansas (Halstead), on behalf of the Board of Education at 520 W. 6th, Halstead, until 7:30 p.m. C.D.T. on Monday, September 28, 1987, for the purchase of \$600,000 principal amount of general obligation bonds, Series 1987, of the district hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated October 1, 1987, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1988	\$10,000
1989	50,000
1990	50,000

1991	55,000
1992	60,000
1993	65,000
1994	70,000
1995	75,000
1996	80,000
1997	85,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1988.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the district and the Kansas Attorney General.

The district will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar at least two weeks prior to the closing date. In the absence of such information, the district will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the district at least one week prior to the closing date. A certificate setting forth such reoffering price to the public shall be furnished to the district at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1995, inclusive, shall become due without option of prior payment. At the option of the district, bonds maturing in the years 1996 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the district in such equitable manner as it may determine) on October 1, 1995, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the district is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such

fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the district shall elect to call any bonds for redemption and payment prior to the maturity thereof, the district shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, Topeka, Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 72-6761, as amended, for the purpose of paying the cost of constructing, furnishing and equipping an addition to an elementary school building, and all necessary appurtenances thereto, including air conditioning the existing school building on such site. The bonds and the interest thereon will constitute general obligations of the district, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the district.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the Board of Education and must be received by the undersigned prior to 7:30 p.m. C.D.T. on September 28, 1987.

Bid Forms

All bids must be made on forms which may be procured from the clerk or the financial adviser. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district reserves the right to waive irregularities and to reject any and all bids.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the district during the life of the bonds on the basis of such bid, the premium,

if any, offered by the bidder, and the net interest cost to the district on the basis of such bid, all certified by the bidder to be correct, and the district will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the district on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The district reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 7:30 p.m. C.D.T. on the date the bids are due will be returned to the bidder unopened.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the district. If a bid is accepted, said check or the proceeds thereof will be held by the district until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the district as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Official Statement

The district has prepared an official statement dated September 21, 1987, copies of which may be obtained from the clerk or from the financial adviser. Upon the sale of the bonds, the district will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Delivery and Payment

The district will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 5, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authori-

(continued)

zation and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the district.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the district.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$15,166,954
Tangible valuation of motor vehicles	\$ 2,365,395
Equalized assessed tangible valuation for computation of bonded debt limitations	\$17,532,349

The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$690,000.

Legal Opinion and Tax Exemption

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the district comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includable in gross income retroactive to the date of issuance of the bonds. The district has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with

respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

A form of bond counsel's opinion is contained in the official statement of the district with respect to the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the clerk or from the financial adviser, Stern Brothers & Co., Suite 810, One Main Place, Wichita, KS 67202, Attention: Charles M. Bouilly, First Vice President, (316) 265-8622.

Dated August 28, 1987.

UNIFIED SCHOOL DISTRICT 440
Harvey County, Kansas (Halstead)
By Eva Lee Butin, Clerk
Office of the Board of Education
520 W. 6th
Halstead, KS 67056
(316) 835-2641

Doc. No. 005746

(Published in the KANSAS REGISTER, September 10, 1987.)

NOTICE OF BOND SALE**\$161,000****General Obligation Bonds****Series 1987A****of****Doniphan County, Kansas**

Doniphan County, Kansas will receive sealed bids at Doniphan County Courthouse, Troy, Kansas, until 10 a.m. Monday, September 28, 1987 for \$161,000 par value general obligation bonds, Series 1987A, of the county, at which time and place such bids will be publicly opened. No oral or auction bids will be considered by the governing body.

Terms of the Bonds

The bonds will be dated October 1, 1987 and will mature serially on September 1 in the years and in the amounts set forth below. The bonds will consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in the same year, except one bond which shall be in the denomination of \$6,000. Interest will be payable March 1, 1988 and thereafter semiannually on March 1 and September 1 of each year until their respective maturities.

The principal of the bonds will be payable at the office of the Kansas State Treasurer (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds will be payable by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date (the record dates). The fees of the bond registrar for registration and transfer of the bonds will be paid by the county.

The bonds will not be subject to redemption prior to their maturity and will mature serially as follows:

Principal Amount	Maturity Date
\$16,000	September 1, 1988
\$15,000	September 1, 1989
\$10,000	September 1, 1990
\$10,000	September 1, 1991
\$10,000	September 1, 1992
\$10,000	September 1, 1993
\$10,000	September 1, 1994
\$10,000	September 1, 1995
\$10,000	September 1, 1996
\$10,000	September 1, 1997
\$10,000	September 1, 1998
\$10,000	September 1, 1999
\$10,000	September 1, 2000
\$10,000	September 1, 2001
\$10,000	September 1, 2002

Conditions of Bids

Bids will be received for the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate will apply to all bonds of the same maturity. Each interest rate specified will be in an even multiple of 1/8 or 1/20 of 1 percent. The

difference between the highest and lowest rates specified in any bid will not exceed 2.5 percent. No interest rate will exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax-exempt municipal bonds published in the weekly Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids will be submitted on the official bid form furnished by the county and will be addressed to the county at the Doniphan County Courthouse, Troy, KS 66087, Attention: County Clerk, Wilma Williams, and will be plainly marked "Bond Bid." No changes to said form are authorized; changes or erasures thereon may cause rejection of any bid. Each bid will specify the total interest cost to the county on the basis of such bid and the average annual net interest rate on the basis of such bid. The net interest cost to the county will be determined by subtracting the amount of the premium, if any, from the total interest cost upon all the bonds from their date until their respective maturities and will be stated as a dollar amount in the bid. The county will be entitled to rely on such dollar amount as stated in the bid as the basis of determining the lowest net interest cost. If there is any discrepancy between the said net interest cost and the average annual interest rate specified, the specified net interest cost will govern and the rates specified in the bid will be adjusted accordingly.

All bids must state: (1) the total interest cost of the bid; (2) the premium, if any; (3) the net interest cost of the bid; and (4) the average annual interest rate. All of said information shall be certified by the bidder to be correct, and the county will be entitled to rely on the certification of correctness by the bidder. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to "Treasurer, Doniphan County, Kansas." In the event a bidder whose bid is accepted shall fail to perform under his contract for the purchase of the bonds from the county, said deposit shall be retained by the county as liquidated damages. All checks of unsuccessful bids shall be returned promptly.

Award of Bids

The sealed bids for the bonds will be opened publicly and only at the time and place specified in this notice. The county reserves the right to reject any and all of the bids, and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the county.

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the county. The bonds will be sold subject to the unqualified approving opinion of Jonathan P. Small, Chartered, bond counsel, of Topeka, Kansas, a copy of whose opinion

(continued)

will be printed on the reverse side of each bond. Manually signed originals of the opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds will be paid by the county. Said legal opinion will contain a statement to the effect that the bonds constitute a general obligation of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county and that, under existing law, the interest on the bonds will be exempt from present federal income taxation.

The number and denominations of bonds and names of the registered owners to be shown on the bonds initially delivered will be submitted in writing by the successful bidder to the bond registrar not later than seven days prior to the closing date.

The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds will be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before 30 days from the date of sale at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the county. Delivery elsewhere will be made at the expense of the purchaser. The purchase price, together with any premium and accrued interest from the date of the bonds to the date of delivery, will be paid at delivery or the good faith deposit will be forfeited.

Tax Exemption and Qualified Tax-Exempt Obligations

It is the opinion of bond counsel that provided the county complies at all times with the bond resolution and applicable existing law, the interest on the bonds is: (1) excludable from gross income for federal income tax purposes and (2) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. However, such interest with respect to corporations as defined for federal income tax purposes, is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The exclusion identified in the preceding clause (1) is subject to compliance by the county with all requirements of the Internal Revenue Code of 1986, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in gross income retroactive to the date of issuance of the bonds. The county will covenant to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

Prospective bidders for purchase of the bonds should be aware that: (1) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions within the meaning of Section 265(b)(5) of the code; (2) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) of the code reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (3) for taxable years beginning after December 31, 1986 and prior to January 1, 1992, interest earned on the bonds by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (4) for taxable years beginning after December 31, 1986, interest earned on the bonds by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (5) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if more than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (6) Section 86 of the code requires recipients of certain Social Security and railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of prospective bondowners should consult their own tax advisers as to the applicability of any of these consequences.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships.

The county will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions within the meaning of Section 265(b)(5) of the code, a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Purpose

These bonds are being issued pursuant to K.S.A. 1986 Supp. 68-1103 and K.S.A. 1986 Supp. 68-1106 *et seq.* for the purpose of financing a portion of the cost of certain improvements to the county's bridges serving the county at large.

The bonds and the interest thereon will constitute general obligations of the county, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1987 for the computation of limits upon bonded indebtedness is \$28,535,797. The total general obligation bonded in-

debtedness of the county as of this date, including this \$161,000 proposed issue of bonds, is \$552,760.25. Temporary notes in the principal amount of \$286,760.25 will be retired out of the proceeds of the bonds and other available funds.

Official Information

Additional copies of this notice of bond sale, the official bid form and further information may be received from the county at the address provided above to the attention of Wilma Williams, county clerk.

Dated September 1, 1987.

WILMA WILLIAMS
County Clerk

Doc. No. 005750

(Published in the KANSAS REGISTER, September 10, 1987.)

NOTICE OF BOND SALE City of Lakin, Kansas Kearny County, Kansas General Obligation Public Building Bonds Series A, 1987

Pursuant to K.S.A. 1986 Supp. 10-106, the city of Lakin, Kearny County, Kansas, will receive sealed bids in the city council's office, City Hall, 106 E. Waterman, P.O. Box 148, Lakin, KS 67860, until 7 p.m. M.D.T. on Wednesday, September 23, 1987, for \$187,000 par value general obligation public building bonds, Series A, 1987, of the city, at which time and place such bids shall be publicly opened. No oral or auction bids will be considered.

Details of the Bonds

The Series A, 1987 bonds will be dated as of October 1, 1987, and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds each in the denomination of \$5,000 or integral multiples thereof, with the exception of one bond in the amount of \$7,000, not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1988, and each October 1 and April 1 thereafter. The principal and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Kansas State Treasurer (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

The bonds will mature serially in accordance with the following schedule:

Principal Maturing	Maturity Date
\$ 7,000	October 1, 1988
\$20,000	October 1, 1989
\$20,000	October 1, 1990

\$20,000	October 1, 1991
\$20,000	October 1, 1992
\$20,000	October 1, 1993
\$20,000	October 1, 1994
\$20,000	October 1, 1995
\$20,000	October 1, 1996
\$20,000	October 1, 1997

Redemption of Bonds Prior to Maturity

None of the bonds will be subject to redemption prior to its stated maturity.

Interest Rates

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate shall be in an even multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. The difference between the highest and lowest interest rate shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the index of Treasury Bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$3,740, made payable to the order of the city. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, the amount of said deposit shall be retained by the city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the best bidder. The city reserves the right to reject any and all of the bids and to waive any irregularities. The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, and the net interest cost will be determined by deducting the amount of any premiums paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. In the event more than one bid is received at the same net interest cost, the successful bidder will be selected by lot.

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the unqualified approving opinion of Fred W. Rausch, Jr., bond counsel, Topeka, Kansas. The cost of said legal opinion will be paid by the city. The numbers, denominations of the bonds and the name of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than October 5, 1987. The purchaser will be furnished with a complete transcript of proceedings

(continued)

evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds will be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or about November 20, 1987, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the purchaser.

Authority and Security for the Bonds

The bonds are being used pursuant to the provisions of K.S.A. 12-1736 *et seq.* The bonds will be general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the city.

Purpose of Issue

The bonds are being issued for the purpose of purchasing a site and existing building and constructing certain improvements thereto for public building purposes in said city.

CUSIP Identification Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the successful bid and this notice of bond sale. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid for by the city.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr. Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

On October 22, 1986, the Tax Reform Act of 1986 became effective, which act redesignates the Internal Revenue Code of 1954 as the Internal Revenue Code of 1986. The 1986 code imposes certain additional requirements and restrictions which must be met subsequent to the issuance of state and local government obligations in order to maintain the exemption from federal income taxation of the interest on such obligations. The city will covenant in the bond ordinance to comply with the provisions of the Act and to take all action as may be necessary to comply with the Act and all applicable future law to preserve the tax-exempt status of the bonds, to the extent such actions can be taken by the city. In the opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, under existing law, statutes, regulations, rulings and judicial decisions, assuming continued compliance by the city with the terms of the bond ordinance, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships, and the inter-

est on the bonds is exempt from federal income taxation except as follows:

(a) For taxable years beginning in the years 1987, 1988 and 1989, the interest on the bonds will be included in the adjusted net book income of corporations. For purposes of computing the corporate alternative minimum tax, a corporation's alternative minimum taxable income must be increased by 50 percent of the amount by which such corporation's adjusted net book income exceeds such corporation's alternative minimum taxable income (determined without regard to this adjustment or the alternative tax net operating loss deduction). For taxable years beginning after 1989, the use of "book income" will be replaced by "adjusted current earnings," and "50%" will be replaced by "75%."

(b) For taxable years beginning after December 31, 1986, property and casualty insurance companies will be required to reduce their deduction for losses incurred on insurance contracts by 15 percent of the amount of interest received or accrued on tax-exempt obligations acquired after August 7, 1986, including the bonds.

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code, which would include interest on tax-exempt obligations, including the bonds. The amount of tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of excess of the alternative minimum taxable income (without regard to net operating losses and the deduction for the environmental tax) over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

Qualified Tax-Exempt Obligations

The Tax Reform Act of 1986 provides that banks and thrift institutions would be unable to deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations (with certain exceptions) if such interest costs are incurred in taxable years ending after December 31, 1986, with respect to bonds acquired after August 7, 1986. The Act provides that certain "qualified tax-exempt obligations" as defined in Section 902(b)(3) will be treated as having been acquired on August 7, 1986. The city will covenant to take such actions as are necessary to designate the Series A, 1987 bonds as "qualified tax-exempt obligations" described above, pursuant to Sections 902(b)(2) and 902(b)(3) of the Act. The city does not intend to issue bonds in excess of \$5 million in calendar year 1987.

Assessed Valuation

Assessed valuation for the city of Lakin, Kearny County, Kansas, for the year 1987, is as follows:

Equalized assessed valuation of taxable, tangible property	\$3,831,609
Tangible valuation of motor vehicles	38,822
Equalized assessed tangible valuation for computation of bonded debt limitations	3,870,431

Bonded Indebtedness

The total bonded indebtedness of the city at the date hereof, including this \$187,000 issue, is \$722,000.

Bond Rating

The city does not intend to apply for a rating of these bonds.

Additional Information

Additional copies of this notice of sale and further information may be received from the office of the Lakin City Clerk, P.O. Box 148, Lakin, KS 67860, or from Fred W. Rausch, Jr., Bond Counsel, Suite 201, 220 S.W. 33rd, Topeka, KS 66611.

Dated August 24, 1987.

THE CITY OF LAKIN, KANSAS

By A. Janice Sivils
City Clerk

Doc. No. 005739

State of Kansas**EMERGENCY MEDICAL SERVICES COUNCIL****TEMPORARY ADMINISTRATIVE REGULATIONS****Article 1.—DEFINITIONS**

109-1.1. Definitions. As used in these regulations, the following words and phrases shall have the following meanings:

(a) "Emergency care" means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to:

- (1) Place the patient's health in serious jeopardy;
- (2) seriously impair bodily functions; or
- (3) result in serious dysfunction of any bodily organ or part.

(b) "Public call" means the request for first response service to the original scene of a medical emergency or accident by an individual or agency other than the following:

- (1) A type I or type II ambulance service;
- (2) Kansas highway patrol at the scene of an accident or medical emergency; or
- (3) persons licensed to practice medicine and surgery who are at the scene of an accident or medical emergency.

(c) "Director" means the director of the bureau of emergency medical services as defined in K.S.A. 1986 Supp. 65-4314, and amendments thereto.

(d) "Aeromedical physician" means a person licensed to practice medicine and surgery who is

trained and experienced in emergency, trauma or sub-specialty critical care medicine and is knowledgeable in altitude physiology.

(e) "Supplemental instruction" means a formally organized learning experience which has education as its explicit, principal intent, and which is oriented towards the enhancement of emergency medical services practice, values, skills, and knowledge.

(f) "Prior-approved supplemental instruction" means:

(1) Single program material submitted by a provider to the director that is reviewed and subsequently approved by the director in accordance with criteria established by the council, and assigned a supplemental instruction number;

(2) any supplemental instruction offered by a provider with approved-provider status; or

(3) academic emergency medical services courses taken for credit or audited.

(g) "Retroactively-approved supplemental instruction" means material submitted for supplemental instruction credit by the attendant after attending the workshop, conference, seminar, or other offering that is reviewed and subsequently approved by the director in accordance with criteria established by the council.

(h) "Providers of supplemental instruction" means individuals, groups, professional associations, schools, institutions, organizations or agencies approved by the director to offer supplemental instruction programs on either approved-provider status or single program-provider status.

(i) "Approved-provider status" means that the provider has been approved by the council to provide any supplemental instruction program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may re-apply for approval biennially.

(j) "Single program-provider status" means that the provider has been granted approval to offer a specific supplemental instruction program.

(k) "Training officer" means a person who has been approved by the director as a single program provider. Training officer approval by the director shall be contingent upon successful annual completion of a training officer program approved by the council.

(l) "Unprofessional conduct," as used in K.S.A. 65-4324(b)(8) means the following:

(1) Performing acts beyond the activities authorized for the level at which the individual is certified;

(2) assuming duties and responsibilities within the scope of authorized activities without adequate preparation or when competency has not been demonstrated;

(3) failing to take appropriate action to safeguard the patient;

(4) inaccurately recording, falsifying or altering a patient's or agency's record;

(5) committing any act of verbally or physically abusing patients;

(continued)

- (6) violating the confidentiality of information or knowledge concerning the patient;
- (7) diverting drugs, supplies or property of patients or the agency;
- (8) violating K.S.A. 8-1566 or 8-1567; or
- (9) providing patient care while under the influence of alcohol or other habit forming drugs. (Authorized by K.S.A. 65-4320; implementing K.S.A. 65-4320, 65-4322, K.S.A. 65-4324b, as amended by 1987 SB 397, Sec. 8; effective May 1, 1985; amended May 1, 1986; amended, T-88-12, May 1, 1987; amended, T-88-24, July 15, 1987.)

Article 2.—AMBULANCE SERVICES; PERMITS AND REGULATIONS

109-2-5. Service permit. Every person subject to this act shall comply with the following requirements:

- (a) Each service in a county which has been assigned to the emergency medical services communications system by the director and that operates vehicles which are required to have direct, two-way radio communications shall fully participate in the operation and maintenance of that communications system.
- (b) Firearms shall not be worn or carried aboard an ambulance vehicle within the state while the ambulance vehicle is operating in any patient transport function. This prohibition shall apply whether the firearms are concealed or visible. However, the prohibition shall not apply to law enforcement officers as defined in K.S.A. 1986 Supp. 64-5602(e).
- (c) Sanitation requirements.
 - (1) Smoking shall be prohibited in the patient compartment at all times. During patient transport smoking shall be prohibited in the driver's compartment.
 - (2) The interior of the ambulance and the equipment within the ambulance shall be sanitary and maintained in good working order at all times except when the vehicle has been placed "out of service."
 - (3) The ambulance equipment shall be constructed of smooth and easily cleanable materials.
 - (4) Freshly laundered linen or disposable linen shall be used on cots and pillows and linen shall be changed after each patient is transported.
 - (5) Clean linen storage shall be provided on each ambulance.
 - (6) Pillows and mattresses shall be kept clean and in good repair.
 - (7) Closable containers shall be provided for soiled supplies.
 - (8) The ambulance interior shall be cleaned after each use and disinfectant shall be applied to all contact surfaces.
 - (9) The exterior of the ambulance shall be kept clean.
 - (10) Blankets and hand towels used in the ambulance shall be clean.
 - (11) Implements inserted into the patient's nose or mouth shall be properly stored and handled. Such implements shall be maintained in a sanitary condition.
 - (12) When an ambulance has been utilized to transport a patient known to the operator to have an

infectious disease, the ambulance shall be cleaned and all contact surfaces shall be washed with soap and water and disinfected. The mattresses, pillows and blankets shall be cleaned in the same manner. The ambulance shall be placed "out of service" until a thorough cleansing is conducted.

(d) All equipment in the patient compartment shall be placed in cabinets or securely restrained while the vehicle is in motion.

(e) All ground ambulances shall receive a mechanical and safety inspection annually prior to November 1. A report of the inspection results shall be made on forms provided by the director. All deficiencies determined by the inspection shall be corrected prior to submitting the inspection form.

(f) The mechanical and safety inspection form shall be submitted to the bureau of emergency medical services with the application for ambulance vehicle licensure or renewal thereof.

(g) All ground vehicles shall be parked in a completely enclosed building with interior heating to at least 50 degrees fahrenheit.

(h) When a vehicle is temporarily out of service, the service operator may apply to the director for a temporary license for a vehicle approved by the director. The vehicle shall meet all staffing and equipment requirements for the license type requested. This temporary license shall be valid for 30 days but may be renewed by the director. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended, T-88-24, July 15, 1987.)

109-2-6. Classes of ambulance service. Permits shall be issued for six classes of ambulance service. These classes shall be known as type I, type II-D, type II, type III, type IV, and type V. (a) Each type I service shall:

- (1) Provide advanced life support capability as described in K.S.A. 65-4306;
 - (2) have at least one licensed vehicle which meets all requirements of K.A.R. 109-2-7 (a). Each type I service may also operate type II-D, type II, III, and IV vehicles as described in K.A.R. 109-2-7 (b), (c), (d), and (e);
 - (3) maintain a staff of currently certified mobile intensive care technicians and emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7 (a); and
 - (4) have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.
- (b) Each type II-D service shall:
- (1) Provide the level of treatment that currently certified emergency medical technicians-defibrillator are authorized to perform;
 - (2) have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(b). Each type II-D service may also operate type II, type III and type IV vehicles as described in K.A.R. 109-2-7(c), (d) and (e);
 - (3) maintain a staff of currently certified emergency medical technicians—defibrillator which is adequate to meet all requirements of K.A.R. 109-2-7(b);

(4) use a cardiac arrest protocol recommended by the University of Kansas School of Medicine and prescribed by the council for each cardiac arrest event;

(5) notify the medical advisor of each cardiac arrest event within 24 hours of the event;

(6) have each cardiac arrest event reviewed and critiqued by the medical advisor or a registered nurse designated by the medical advisor within 30 days of the event. The emergency medical technicians-defibrillator who were involved with the event shall participate in the critique; and

(7) submit a cardiac arrest report on forms provided by the director with a copy of the patient report form for each cardiac arrest event.

(c) Each type II service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(c). Each type II service may also operate type III and type IV vehicles as described in K.A.R. 109-2-7(d) and (e);

(3) Maintain a staff of currently certified emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7(c); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(d) Each type III service shall:

(1) Provide only pre-scheduled, non-emergency transportation to or from a place where medical treatment is provided. Each type III service shall be prohibited from responding to requests for emergency care or to requests which would require medical treatment during transport;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(d). Each type III service shall license only type III vehicles;

(3) Maintain a staff of persons with cardiopulmonary resuscitation and first aid training approved by the director; and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(e) Each type IV service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform as well as non-emergency transportation for the sick and injured. A type IV service shall be prohibited from responding to requests for emergency care;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(e) and 109-2-10. A type IV service shall license only type IV vehicles;

(3) Maintain a staff of currently certified emergency medical technicians adequate to meet all requirements of K.A.R. 109-2-7(e); and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emer-

gency service and that the person making the call is so informed.

(f) Each type V service shall:

(1) Provide advanced life support capability to critically ill or injured patients while under the care of a physician. Each type V service shall not be subject to public call as defined in K.A.R. 109-1-1(b).

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(f). Each type V service shall license only type V vehicles;

(3) Have a staff which is adequate to provide the level of care described in paragraph (1) of this subsection;

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is informed; and

(5) Be operated only by a licensed hospital. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended May 1, 1987; amended, T-88-24, July 15, 1987.)

109-2-7. Classes of ambulance vehicles. Licenses shall be issued for six classes of ambulance vehicles in the state. These classes shall be known as type I, type II-D, type II, type III, type IV and type V. Each ambulance vehicle operated by a service that has been issued a permit shall be licensed in accordance with the provisions set forth in these regulations. (a) Each type I vehicle shall be:

(1) Equipped to provide emergency care as described in K.S.A. 65-4306;

(2) in compliance with all vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), (d), and (f); and

(3) staffed with at least two attendants during patient transport, including at least one currently certified mobile intensive care technician. The second attendant may be either a currently certified emergency medical technician or currently certified mobile intensive care technician.

(b) Each type II-D vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), (d), and (e); and

(2) staffed with at least one currently certified emergency medical technician-defibrillator and one currently certified emergency medical technician. An emergency medical technician-defibrillator shall be in the patient compartment during patient transport.

(c) Each type II vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), and (d); and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. An emergency medical technician shall be in the patient compartment during patient transport.

(d) Each type III vehicle shall be:

(continued)

(1) In compliance with specifications and equipment requirements set forth in K.A.R. 109-2-8(c);

(2) staffed at all times with at least two persons. A person trained in cardiopulmonary resuscitation and first aid care approved by the director shall be in the patient compartment during patient transport; and

(3) restricted to the level of use described in K.A.R. 109-2-6(c) of these regulations unless the emergency medical services council grants a waiver to an operator of a type I or type II service to use a type III vehicle to provide a type II level of service if:

(A) The type III vehicle complies with all type II equipment requirements during the period the waiver is in effect;

(B) the type III vehicle is staffed in accordance with K.A.R. 109-2-7(c) during the period the waiver is in effect; and

(C) the type III vehicle is not used as an emergency vehicle for more than 25 percent of the service's emergency runs.

(e) Each type IV vehicle shall be:

(1) In compliance with the provisions of K.A.R. 109-2-10; and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. The emergency medical technician shall be in the patient compartment during patient transport.

(f) Each type V vehicle shall be:

(1) Dedicated for ambulance use and in compliance with the provisions of K.A.R. 109-2-11 or 109-2-12; and

(2) staffed with a driver or pilot and at least two attendants, one of whom shall be a licensed physician, a registered nurse, or a certified mobile intensive care technician. The second attendant shall be a licensed physician, a registered nurse, a certified mobile intensive care technician or a registered respiratory therapist. All attendants shall be certified in advanced cardiac life support, or shall be eligible for board certification in their specialty. (Authorized by K.S.A. 65-4320, implementing K.S.A. 65-4326; effective May 1, 1985; amended May 1, 1987; amended, T-88-24, July 15, 1987.)

109-2-8. Standards for ambulance vehicles and equipment. Each licensed vehicle shall meet the vehicle and equipment standards which are applicable to that class of vehicle. (a) Vehicle specifications for type I, type II-D and type II vehicles.

(1) The overall size of the vehicle shall not exceed the following specifications:

(A) Height: 110 inches;

(B) width: 96 inches; and

(C) length: 22 feet.

(2) The patient compartment size shall meet the following specifications:

(A) Headroom: 60 inches; and

(B) length: 116 inches.

(3) The heating and cooling systems for the patient and the driver compartments shall be separate. The air conditioners for each compartment shall have separate evaporators.

(4) The ventilation systems of the driver and patient compartments shall provide a complete change of ambient air within each compartment every two minutes. Ventilation shall be separately controlled within each compartment. Fresh air intakes shall be located in the most practical, contaminant-free air space on the vehicle. The patient compartment shall be ventilated through the heating and cooling systems.

(5) The normal white illumination in all patient areas shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the doors open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the cots. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used in the patient compartment. A patient compartment light and step-well light shall be automatically activated by opening the entrance doors. Interior light fixtures shall be recessed and shall protrude not more than 1½ inches.

(6) Each vehicle shall have dual 80 amp/hr batteries and a 105 amp alternator. All conversion equipment shall have individual fusing which is separate from the chassis fuse system.

(7) Each vehicle shall have lights and sirens as required by the Kansas department of transportation for authorized emergency vehicles.

(8) Each vehicle shall have an exterior patient loading light over the door which shall be activated both by an inside manual switch and automatically when the door is opened.

(9) Each vehicle shall have two pillar mounted spotlights with 75,000 candle power each or one hand held spotlight of 75,000 candle power.

(b) Each type I, type II-D, type II, type IV and type V vehicle shall be equipped with direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 3, 1980, and K.A.R. 109-2-5 (a).

(c) Each licensed vehicle shall be equipped with the following:

(1) An ABC fire extinguisher with a minimum of five pounds of dry chemical. The extinguisher shall be in the driver compartment, and shall be easily accessible from an outside door;

(2) a CO₂ (minimum of five pounds) or ABC fire extinguisher (minimum of five pounds dry chemical) in the patient compartment, or an ABC fire extinguisher (minimum of five pounds dry chemical) in an outside compartment. The fire extinguisher shall be easily accessible to an attendant;

(3) three self-standing triangular reflectors;

(4) one battery-operated hand lantern with a power source of at least six volts;

(5) one four-wheeled elevating head cot with two or more levels;

(6) one urinal;

(7) one bedpan;

(8) one emesis basin;

(9) one complete change of linen;

(10) two blankets;

(11) one waterproof cot cover; and

(12) two plastic bags.

(d) Each licensed type I, type II-D and type II vehicle shall be equipped with the following:

(1) Internal medical systems which include:

(A) An internal oxygen system with at least one duplex outlet at the head of the patient litter, with a humidifier, and with a minimum of 3,000 liters of storage capacity. The cylinder shall be in a compartment which is vented to the outside. The pressure gauge and regulator shall be visible when sitting in the attendant's seat. The control valve shall be readily accessible to the attendant; and

(B) an electrically-powered suction aspirator system with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be equipped with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip. Any vehicle licensed prior to January 1, 1980 may use engine vacuum suction if the vehicle has been continuously licensed by the same operator.

(2) Medical equipment which includes:

(A) A portable oxygen unit of at least 300 liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible from an outside door;

(B) a portable, self-contained battery or manual suction aspirator with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(C) a hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(D) a hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) oxygen masks in adult, pediatric and infant sizes;

(F) nasal cannulas;

(G) oropharyngeal airways in adult, pediatric and infant sizes;

(H) a poison antidote kit;

(I) a blood pressure manometer, cuff and stethoscope;

(J) an obstetric kit;

(K) two burn sheets;

(L) two large trauma dressings;

(M) ten gauze pads four inches by four inches;

(N) two vaseline gauze pads;

(O) four soft roller self-adhering type bandages;

(P) two rolls of adhesive tape with a minimum width of 1½ inches;

(Q) bandage shears;

(R) one roll aluminum foil;

(S) sterile water;

(T) sterile saline;

(U) thermometer; and

(V) adult medical anti-shock trousers.

(3) Patient handling equipment and splinting equipment which includes:

(A) A long spine board (complete with accessories);
(B) a short spine board (complete with accessories);
(C) a set of extremity splints (one arm, one leg);
(D) a lower extremity traction splint (with accessories);

(E) a bite stick (padded tongue blade);

(F) three cervical collars (range of sizes); and

(G) two sand bags (approximately four inches by twelve inches)

(4) extrication equipment which includes:

(A) one 10-inch adjustable open end wrench;

(B) one 12-inch screwdriver with a flat blade;

(C) one 12-inch screwdriver with a phillips blade;

(D) one hacksaw with six blades;

(E) one hammer (minimum of four pound head);

(F) one pair of 10-inch, vise-grip pliers;

(G) one wrecking bar (minimum 24 inches); and

(H) one pry bar (minimum 48 inches) or a K-bar-tool or equivalent. If the service operator can demonstrate to the satisfaction of the director that a fully equipped rescue vehicle is immediately available to the service, the listed extrication equipment need not be carried.

(4) Twenty consecutively numbered patient identification tags as prescribed by the director.

(e) All licensed type II-D vehicles shall be equipped with a monitor/defibrillator with two-channel cassette recording capability.

(f) All licensed type I vehicles shall be equipped with the equipment necessary to provide the level of care described in K.S.A. 1986 Supp. 65-4306, including:

(1) Adult medical anti-shock trousers;

(2) pediatric medical anti-shock trousers;

(3) a monitor/defibrillator;

(4) a drug supply as listed in service protocols;

(5) macro-drip and micro-drip administration sets;

(6) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;

(7) assorted syringes and 14-22 gauge needles;

(8) endotracheal tubes;

(9) laryngoscope with adult and pediatric blades; and

(10) pediatric lower extremity traction splint. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended, T-88-24, July 15, 1987.)

Article 3.—EMERGENCY MEDICAL TECHNICIAN-DEFIBRILLATOR

109-3-1. Application for emergency medical technician-defibrillator certificate. (a) Any person qualified defined by subsection (d) of K.S.A. 65-4322 as of June 30, 1987, may apply to the director for certification as an emergency medical technician-defibrillator no later than December 31, 1987. Each applicant shall;

(1) submit to the director an application provided by the director showing:

(A) approval by the director of the ambulance service for which the person serves as an attendant; and

(B) approval by the medical advisor of the service;

(2) pay an application fee of \$7.50. (Authorized by

(continued)

K.S.A. 65-4320, implementing K.S.A. 65-4321, as amended by 1987 SB 397, Sec. 7; effective T-88-24, July 15, 1987.)

Article 5.—SUPPLEMENTAL INSTRUCTION

109-5-1. Supplemental instruction for attendants.

(a) Each applicant for certification renewal as a first responder shall have earned at least eight hours and no more than 10 hours of documented and approved supplemental instruction as established annually by the council.

(b) Each applicant for certification renewal as a crash injury management technician shall have earned at least eight hours and no more than 12 hours of documented and approved supplemental instruction as established annually by the council.

(c) Each applicant for certification renewal as an emergency medical technician shall have earned at least 12 hours and no more than 20 hours of documented and approved supplemental instruction as established annually by the council.

(d) Each applicant for certification renewal as an emergency medical technician-intermediate shall have earned at least 16 hours and no more than 24 hours of documented and approved supplemental instruction as established annually by the council.

(e) Each applicant for certification renewal as an emergency medical technician-defibrillator shall have earned at least 18 hours and no more than 26 hours of documented and approved supplemental instruction as established annually by the council.

(f) Each applicant for certification renewal as a mobile intensive care technician shall have earned at least 24 hours and no more than 36 hours of documented and approved supplemental instruction as established annually by the council.

(g) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant.

(h) One academic credit hour shall be equivalent to 15 clock hours for the purpose of supplemental instruction. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed.

(i) Acceptable supplemental instruction shall include:

(1) Academic medical courses related to the level of certification taken for credit or audited;

(2) seminars, institutes, workshops, or mini-courses oriented to enhancement of emergency medical services practice, values, skills, and knowledge;

(3) approved-provider programs;

(4) programs presented by approved single program-providers; or

(5) clinical experience which meets criteria established by the council.

(j) Each attendant shall be responsible for maintaining supplemental instruction records. These records shall be submitted to the director by the attendant as part of the application for certification renewal. (Authorized by K.S.A. 65-4320; implementing K.S.A.

65-4321, as amended by 1987 SB 397, Sec. 7 and SB 87, Sec. 3; effective T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987.)

109-5-3. Supplemental instruction approval for providers. (a) An application may be made to the director to become an approved provider or a single program provider as defined in K.A.R. 109-1-1(h). Applications shall be on forms provided by the director.

(b) Approved providers.

(1) Each application for approved-provider status shall be submitted at least three months prior to the first scheduled program and shall require council approval.

(2) Each applicant for approved-provider status shall submit an organizational plan which includes a written statement of purpose documenting that emergency medical services practice, values, skills, and knowledge are the basis for the provider's educational goals and objectives and administrative procedures.

(3) Each approved provider shall develop:

(A) A system for maintaining records for a period of at least two years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provisions for accessible and adequate space for instruction.

(4) Each approved provider shall maintain a summary of each individual program offered for a period of at least two years which documents:

(A) The learning objectives for the program objectives;

(B) the certification levels for which the program is designed and any program pre-requisites;

(C) the name and qualifications of the instructor in the subject matter;

(D) the program evaluation;

(E) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks;

(F) the dates the program was given; and

(G) the attendance at that program.

(5) Any approved provider may be evaluated and monitored by the director by attendance at programs or by random contact of participants attending programs sponsored by the approved provider.

(6) The approved provider shall provide any program documentation requested by the director.

(7) Provider approval may be withdrawn by the council if the provider violates this rule and regulation, or if quality programs are not maintained to the council's satisfaction.

(c) Single program providers.

(1) Each application for single program-provider status shall be submitted at least 30 days prior to the scheduled program.

(2) Each application for single program-provider status shall include the following:

(A) The learning objectives for the program;

(B) the certification levels for which the program is designed and any program pre-requisites;

(C) the name and qualifications of the instructor in the subject matter;

(D) the evaluation;

(E) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(F) the date or dates the program is to be given.

(3) Any material not submitted in this format 30 days before the scheduled date of presentation may not be processed or approved by the director prior to the date of the presentation.

(4) Single program-provider status may be withdrawn by the director if the provider violates this rule and regulation, or if a quality program is not maintained to the director's satisfaction.

(d) Each single program provider and approved provider shall maintain a record of participant's attendance for at least two years.

(e) Each single program provider and approved provider shall provide participants with verification of the participant's attendance. The verification shall be on forms approved by the director. (Authorized by K.S.A. 65-4320; and implementing K.S.A. 65-4321; as amended by 1987 SB 397, Sec. 7 and SB 87, Sec. 3; effective T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987.)

Article 6.—TEMPORARY CERTIFICATION

109-6-1. Temporary certification. (a) Each applicant for temporary certification as an emergency medical technician shall provide the director with proof of current certification in cardio-pulmonary resuscitation and basic first aid or the equivalent as approved by the director.

(b) Each applicant for temporary certification as a mobile intensive care technician shall provide the director with proof of current certification as an emergency medical technician-paramedic and successful completion of the written examination for mobile intensive care technician offered by the director.

(c) Each applicant who meets either of the above requirements may be granted temporary certification by the director.

(d) Upon certification a temporary attendant is authorized to perform those activities for which the attendant has been trained and for which there is statutory authority in K.S.A. 65-4321 or K.S.A. 65-4306. (Authorized by and implementing K.S.A. 65-4321, as amended by 1987 SB 397, Sec. 7; effective, T-88-24, July 15, 1987.)

LYLE E. ECKHART
Director

Doc. No. 005744

State of Kansas

SAVINGS AND LOAN DEPARTMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 10.—INTERSTATE BRANCHING

38-10-1. Permission to establish branches. (a) A Kansas state-chartered savings and loan association may be permitted by the savings and loan commissioner to establish branches within another state provided:

(1) the establishment of the branch office will be achieved in conjunction with a transaction in which:

(A) the assets and/or liabilities are acquired by the Kansas state-chartered association by merger or otherwise; and

(B) the insured accounts of the failing non-Kansas state-chartered institution are assumed by and transferred to the insured Kansas state-chartered association as a means of payment of insurance by the federal savings and loan insurance corporation or pursuant to an action by the federal savings and loan insurance corporation undertaken to prevent the liquidation of the non-Kansas state-chartered association; and

(2) the commissioner determines that the acquiring of the non-Kansas state-chartered association poses no excessive risk to the acquiring Kansas state-chartered association.

(b) The association shall apply to the commissioner in the form and under the conditions required by the commissioner.

(C) A Kansas state-chartered association that acquires a failing institution may establish or operate branch offices in a state or states, other than the state in which the failing institution operates, if branching rights under this subsection do not in any event exceed three states other than the state in which the failing institution operates. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-2. Parity of branching rights. Each Kansas state-chartered association with branches in another state shall be afforded the same branching rights as the associations operating under a charter granted by the supervisory authorities of that state. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-3. Fees for Kansas state-chartered associations. Each Kansas state-chartered association with branches in other states shall be billed for supervisory fees as if all assets were present within the state of Kansas except that the association shall be credited for fees paid to supervisory authorities in the other states. Credit extended for the fees paid shall not exceed the amounts that would be assessed upon the assets or liabilities if the assets or liabilities were present within the state of Kansas. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-4. Non-Kansas association branch establish-
(continued)

ment. (a) Any non-Kansas state-chartered association may establish branches within Kansas if:

(1) the branch office will be established in conjunction with a transaction in which:

(A) the assets or liabilities of a failing insured Kansas state-chartered association are acquired by the non-Kansas state-chartered association, by merger or otherwise; and

(B) the insured accounts of the failing Kansas state-chartered association are assumed by and transferred to an insured non-Kansas state-chartered association as a means of payment of insurance by the federal savings and loan insurance corporation or pursuant to an action by the federal savings and loan insurance corporation undertaken to prevent the liquidation of the Kansas state-chartered association; and

(2) the non-Kansas state-chartered association meets the requirements for insurance of accounts as specified in K.S.A. 17-5824.

(b) The non-Kansas state-chartered association shall apply to the commissioner for approval of the transaction to establish the branch in the form and under the terms required by the commissioner. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-5. Branching rights of non-Kansas associations. Each non-Kansas state-chartered association permitted to establish branches in the state of Kansas shall have the same branching rights as a Kansas state-chartered association. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-6. Non-Kansas association fees. Each non-Kansas state-chartered association shall pay supervisory fees to the Kansas savings and loan department at the same rate as Kansas state-chartered savings and loans. The fees shall be based upon the amount of savings accounts deposited, rather than total assets, at branches located within Kansas. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

38-10-7. Examinations of non-Kansas associations. (a) The books and records maintained by non-Kansas state-chartered associations at branches within the state of Kansas shall be open for inspection and examination by duly appointed representatives of the Kansas savings and loan department during the normal hours of operation for these associations.

(b) Costs associated with an examination conducted by the Kansas savings and loan department shall be paid by the association.

(c) Each non-Kansas state-chartered association permitted to do business within the state of Kansas shall supply the state of Kansas with at least one copy of the examination report conducted by the federal home loan bank of the district within which the home office of the association is located. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987.)

DAVID A. DOUGLASS
Savings and Loan Commissioner

State of Kansas

CONSUMER CREDIT COMMISSIONER CREDIT UNION ADMINISTRATOR SAVINGS AND LOAN DEPARTMENT JOINT TEMPORARY ADMINISTRATIVE REGULATIONS

Article 1.—ADJUSTABLE RATE NOTES

104-1-1. (Authorized by and implementing L. 1982, ch. 94; effective, T-83-29, Sept. 22, 1982; effective May 1, 1983; revoked, T-88-28, Aug. 19, 1987.)

104-1-2. Adjustable rate notes secured by a real estate mortgage or a contract for deed to real estate. A creditor may use any interest-rate index that is readily verifiable by the borrower and is beyond the control of the creditor to adjust the interest rate on adjustable rate notes secured by a real estate mortgage or a contract for deed to real estate. Adjustments shall correspond directly to the movement of the index, subject to any rate-adjustment limitations that a creditor may provide. When the movement of the index permits an interest-rate increase, the creditor may decline to increase the interest rate by the indicated amount. The creditor may decrease the interest rate at any time.

Adjustments to the interest rate may be implemented through adjustments to the outstanding principal loan balance, loan term, payment amount, or any combination of the above.

The borrower shall not be charged any costs or fees in connection with regularly-scheduled adjustments to the interest rate, payment, outstanding principal loan balance, or loan term. (Authorized by and implementing K.S.A. 16-207d; effective, T-88-28, Aug. 19, 1987.)

JUDITH K. STRINGER
Consumer Credit Commissioner

Doc. No. 005743

State of Kansas

BOARD OF EDUCATION

NOTICE OF HEARING ON PROPOSED REGULATIONS

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, October 13, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in State Board Regulations 91-1-27, 91-1-28, 91-1-33, 91-1-44, 91-1-80, 91-1-107a, 91-1-112a, 91-1-132a, 91-1-146d; proposed new S.B.R.'s 91-1-101b and 91-1-110b; the proposed revocation of S.B.R. 91-1-147; and proposed new Kansas Administrative Regulation 91-1-146e.

The following is a summary of the substance of each proposed regulation:

1. S.B.R. 91-1-27 is being amended to clarify the requirement of a cumulative grade point average of 2.5 on a 4.0 scale for initial certification. Also, the certifi-

cation review committee is deleted from this regulation and provided for in another regulation.

2. S.B.R. 91-1-28 is being amended to do away with the Special Certificate Committee and the existing Certification Review Committee would hear all appeals for certification. It also designates the composition of the Certification Review Committee.

3. S.B.R. 91-1-33 is being amended to specify the certification renewal requirements for the Director of Special Education endorsement.

4. S.B.R. 91-1-44 is being amended to clarify the renewal requirements for the Distributive Education Instructor endorsement.

5. S.B.R. 91-1-80 is being amended to clarify which state-approved teacher education programs must contain the professional education component.

6. New S.B.R. 91-1-101b will require a state-approved program in a foreign language to consist of competencies that are needed by entry-level teachers of foreign language.

7. S.B.R. 91-1-107a is being amended to clarify that state-approved library media programs must include some graduate level course work.

8. New S.B.R. 91-1-110b will require that state-approved programs in physical education consist of those competencies needed by entry-level teachers of physical education.

9. S.B.R. 91-1-112a is being amended to clarify that this regulation prescribes the standards for state-approved General Science programs.

10. S.B.R. 91-1-132a is being amended to allow for renewal of the one-year provisional school psychologist endorsement.

11. S.B.R. 91-1-146d is being amended to allow individuals who let their certificates lapse and are employed in a local education agency which has a state-approved inservice education plan utilize inservice education points to renew their certificates.

12. Proposed new K.A.R. 91-1-146e will allow for education agencies to receive inservice education funds for consultant fees and travel, materials, salaries of substitute teachers not to exceed 25 percent of the total inservice education expenditures, registration fees for and travel expenses to workshops and conferences, both in-state and out-of-state for certified personnel who have individual development plans on file, and the salaries of secretarial personnel time not to exceed the amount of one hour per each certified employee having an approved individual development plan on file. Education agencies shall not receive inservice education funds for the rental of facilities, utilities, equipment, administrative expenses and salaries of teachers or council members.

13. S.B.R. 91-1-147 is being revoked since the present regulation allows individuals who enter the military service and hold a valid certificate at the time of entering the service to be issued a renewal certificate valid for the same length of time as the one they held upon entry into the service by submitting an

application, fee, and proof of military service. Without this regulation, certified individuals entering the military must meet certification renewal requirements in effect at the time of their discharge from the service.

It is anticipated that K.A.R. 91-1-146e will have no fiscal impact upon governmental agencies or units, private business, or the general public.

A copy of each proposed regulation is being mailed to chief school administrators in the state and may be reviewed in their offices by interested persons. Also a copy of each of the proposed regulations and its fiscal impact statement may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

On the date of the hearing, all interested persons will be given a reasonable opportunity to present their views or arguments, either orally or in writing, in regard to the proposed regulations. Individuals or organizations that cannot appear at the hearing may submit written comments to the secretary of the State Board of Education. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

The regulations to be adopted are as follows:

91-1-27. General requirements. (a) Initial certification. ~~The state board shall issue a~~ A certificate ~~only shall be issued~~ to those applicants who hold a baccalaureate degree and ~~who~~ have completed an approved program, or ~~to those who~~ are otherwise qualified for certification.

(b) Application procedures. Application for an initial certificate, a renewal, or a duplicate of the certificate shall be made by the person seeking the certificate. Application for certification shall be made on a form provided by the state department of education. The form shall be filled out completely, including all names under which the applicant has been known. The application shall be submitted by mail or in person, with the correct fee and an official transcript, when required, to the certification section, state department of education.

(c) Initial certification. Each applicant for an initial certificate ~~who does not hold an advanced degree~~ shall have completed eight semester hours of recent college credit or one year of recent, approved or ~~accredited~~ experience. An applicant who holds an advanced degree ~~may satisfy this requirement with~~ shall have completed six ~~recent~~ semester hours of recent college credit or one year of recent approved or ~~accredited recent~~ experience.

(d) Recommendation. ~~All Each applications appli-~~ cation for initial certification shall be accompanied by a recommendation from the head of the college, department or school of education of the teacher education institution that a certificate be issued to the applicant. The state board, upon recommendation of the teacher education institution, may limit the area and level of service authorized by a certificate. Certificate applicants shall designate a college or university as a

(continued)

teacher education institution for initial certification purposes.

(e) Grade point average. An initial certificate shall not be issued to any applicant who does not have a minimum cumulative grade point average of 2.5 on a 4.0 grade point system. This subsection (e) shall be effective on and after September 1, 1985. Any applicant applying for certification in Kansas based on completion of a state-approved program who has not held a certificate prior to September 1, 1985, in Kansas or any other state, shall have a minimum cumulative grade point average of 2.5 on a 4.0 grade point system.

(f) Period of validity of certificates.

(1) A certificate shall be effective on the date the holder of the certificate completes the requirements and submits the application that is necessary to entitle the holder to the certificate.

(2) A certificate may be renewed up to 18 months prior to its expiration date.

(3) A certificate shall expire on the birthday of the holder.

(4) All certificates shall be valid until the birthday of the certificate holder.

(g) Review committee. A review committee shall be established to review the qualifications of applicants who desire to be certified in the state of Kansas but whose training does not satisfy all the requirements for certification imposed by these regulations. The review committee shall be composed of seven members recommended by the teaching and school administration professional standards advisory board and approved by the state board. The review committee shall review cases referred to it by the commissioner of education. It shall make a written recommendation to the state board to either grant or deny the application for certification and shall state, in writing, the reasons for the recommendation given. The state board shall review the recommendation of the review committee, and shall grant or deny the application for certification. The applicant shall be notified, by mail, of the decision of the state board.

(h) (g) Equivalency of college credit. The official submitting the teacher education institution recommendation may certify that the applicant has demonstrated proficiency equivalent to the stated semester hour requirement. The recommendation may be substituted for specific hour requirements or for subject and field requirements.

(i) (h) Certification fee. The state board shall set the certification fee subject to K.S.A. 72-1387 and shall provide information regarding the current fee.

(j) (i) Certificate registration. Each teacher or other certified person employed in a public school shall file a valid certificate in the office of the superintendent of the district in which the person is employed. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1984; amended June 1, 1988.)

91-1-28. Special certificate. Certification review committee. (a) A special certificate shall be issued to the applicant, if each of the following conditions have

been met: (1) Each applicant shall explore the possibility of certification through all other existing channels prior to applying for this certificate.

(2) The administrator of the accredited or approved educational agency wishing to employ the applicant shall present a written petition to the teaching and school administration professional standards advisory board describing the particular competencies needed to fill the position.

(3) The committee designated in subsection (b) of this regulation recommends that the special certificate be issued.

(b) The request for a special certificate shall be heard by a committee of three. The teaching and school administration professional standards advisory board shall appoint from its membership one chief school administrator and one chairperson of a department of education of a teacher education institution. The third member of the committee shall be designated by the commissioner of education.

(c) The committee's recommendation to grant or deny the application for a special certificate shall be based on the results of a personal interview with the applicant. The interview shall explore the applicant's:

(1) Knowledge of the learning process for students of the age level for which the applicant is requesting certification;

(2) ability to instruct and motivate students; and

(3) knowledge and skill in the subject area for which endorsement is sought.

(d) If the application is approved, a recommendation for certification shall be forwarded to the state board of education. If the application is not approved by the committee, the applicant may appeal to the certification review committee as provided in S.B.R. 91-1-27(g).

(e) Each special certificate shall be valid for only one school year. Two renewals, for one year each, shall be granted if renewal is recommended by the employing administrator and the committee designated in subsection (b) above. A certification review committee is hereby established to review the qualifications of applicants who desire to be certified in the state of Kansas but who do not satisfy all the requirements for certification as specified in these regulations.

(b) The certification review committee shall be composed of one chief school administrator, one chairperson of a department of education of a teacher education institution, one building administrator and four classroom teachers. Each member shall be recommended by the teaching and school administration professional standards advisory board, and shall be appointed by the state board.

(c) The certification review committee shall review cases referred to it by the commissioner of education. The certification review committee shall make a written recommendation to the state board to either approve or deny the application for certification and shall state, in writing, the reasons for the recommendation given. The state board shall review the recommendation of the certification review committee, and shall approve or deny the applications for certification.

tion. The applicant shall be notified, in writing, of the decision of the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1986; amended May 1, 1987; amended June 1, 1988.)

91-1-33. Director of special education. (a) Each applicant for endorsement as director of special education shall have successfully completed: (1) a state-approved graduate degree program; director of special education program;

(2) a state-approved program in a special education subject area;

(3) a state-approved district school administrator program; and

(4) (A) a state-approved building administrator program, including two years teaching experience; or

(B) a state-approved special education supervisor/coordinator program, including two years teaching experience in a recognized special education area; and

(5) In addition, each applicant for endorsement as a director of special education shall be recommended by a teacher education institution.

(b) An approved director of special education program. Approved programs shall require students to complete a course of study allowing the students to acquire the ability to:

(1) develop a written comprehensive plan for the provision of special education and related services; and

(2) perform special education and related services program administrative operations in a supervised practicum placement.

(c) *Renewal requirements.* (1) Director of special education endorsements originally issued prior to July 1, 1980, shall require for renewal: (A) Three years of recent accredited or approved experience during the validity of the last certificate held by the applicant; or

(B) six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(2) Director of special education endorsements originally issued on or after July 1, 1980, shall require for renewal:

(A) Six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d; or

(B) two renewals may be granted on verification of three years of recent, accredited or approved experience during the validity of the last certificate held by the applicant.

(3) Individuals holding director of special education endorsement shall not be required to complete a two-hour survey course in the area of exceptional children for renewal of certification. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1986; amended June 1, 1988.)

91-1-44. Distributive education instructors. (a) Applicants for this endorsement shall meet the following requirements:

(1) Hold a valid certificate issued by the state board;

(2) Have have a major in business, including credit in marketing, accounting, small business management or applied retailing, and visual merchandising, or show competency through approved examination;

(3) Have have credit in professional vocational education courses, including:

(A) Principles and philosophy of vocational education;

(B) Methods methods of individual training (job analysis);;

(C) Organization organization and administration of vocational education;

(D) Coordination coordination techniques (not required of instructors of related subjects);; and

(E) Methods methods and materials in vocational education; and

(4) Have have two (2) years or four thousand (4000) hours approved work experience in the distributive field. The instructor of related subjects may satisfy the experience requirements with one (1) year or two thousand (2000) hours of approved experience.

(b) Instructors of postsecondary programs. On and after September 1, 1982, Applicants for this endorsement shall meet the following requirements:

(1) Have competency in this specific teaching area and at least two (2) additional related office education areas; and

(2) At at least one-fourth of the approved, related work experience shall have been within the five (5) year period prior to application.

(c) The renewal requirements for the three (3) year and five (5) year vocational business occupation endorsements shall be the same as those provided in 91-1-39(b) through (h) S.B.R. 91-1-39(b), and amendments thereto. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended June 1, 1988.)

91-1-30. Pre-service professional education. (a) The pre-service professional education component, which shall be referred to as professional education component in this regulation, shall apply to all approved-teacher education programs which require student teaching as a component of the program.

(a) (b) The professional education component shall be based on those studies which include foundations of education, methods and materials of teaching, and supervised laboratory experiences, designed to provide competencies required in the education professions.

(b) (c) Any institution which provides a teacher education program shall have written objectives for the professional education component. of that program. These objectives shall be available for inspection and review.

(c) (d) The program of professional preparation for teaching education component shall provide for individualization of each student's program to develop development of the following competencies:

(1) Knowledge of the process of human growth and

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development, including all categories of exceptionalities; and the practical application of this knowledge to teaching;

(2) knowledge of major categories of exceptionalities and the application of this knowledge to teaching;

(2) (3) knowledge of research findings, teaching methods, knowledge of evaluation techniques, research findings, teaching methods, laboratory techniques, materials, media, and technology and safety procedures appropriate to teaching with emphasis in a student's field or fields of specialization;

(3) (4) the ability to teach effectively and to work ethically and constructively with pupils, teachers, administrators, and parents;

(4) (5) an understanding of the foundations underlying the development and organization of education in the United States;

(6) an understanding of the licensing and governance of teaching;

(7) an understanding of related professional organizations and their impact on the educational process;

(5) (8) an understanding of the purposes, administrative organization, and operation of the basic educational programs of the school;

(6) (9) the ability and willingness to analyze the student's own to use self assessment of teaching skills as a means of continually improving those skills; and continuous professional development; and

(7) (10) on and after September 1, 1985, the ability to teach basic reading skills appropriate to the level of the student of endorsement and to the subject content field.

(d) (e) The programs of professional study in education component shall include studies in interpersonal relations, and multicultural education, and equal educational opportunity.

(e) (f) The programs of professional study in education component shall make provisions throughout for observation and experience with school-age youth.

(f) Student teaching shall be conducted through cooperative programs in selected schools. The academic and professional education faculty shall supervise student teachers.

(g) The professional education component shall require that:

(1) The responsibilities involved in supervision of student teachers shall be designated in writing and made available to cooperating schools;

(2) the total number of faculty visits for observation purposes required per student shall be a minimum of four, one of which shall occur prior to the beginning of the student teaching experience;

(3) the maximum number of student teachers assigned to one full-time faculty shall be eighteen;

(4) the length of a supervisory visit shall be a minimum of 60 minutes to observe and evaluate a student teacher and to consult with a cooperating teacher; and

(5) the student teachers in subject areas at the middle and secondary levels shall be supervised by either professional education faculty with expertise

in the subject area or professional education and subject area faculty.

(i) (h) Student teaching shall be:

(1) Permitted only after a comprehensive, professional review of a student's record indicates that scholarship, performance in an area or areas of specialization, and competence in the professional sequence, performance in previous professional experiences, education component and personal characteristics qualify a student for the responsibilities of student teaching; and

(2) designed to provide comprehensive experience with expanding responsibilities, including. The experience shall allow each student teacher to engage, for a majority of each school day during at least a ten week period, in the full range of activities of a certified teacher in a school situation.

(g) (i) Each institution shall have written contracts with school systems for mutually agreed upon activities, services, and compensation; roles and responsibilities; provisions for solving problems and the coordination of ongoing activities; and means for revisions to meet changing needs and conditions.

(h) (j) Each school system and institution shall have an identifiable coordinator who channels or coordinates all contacts, operations, and activities which pertain to field experiences prior to and during the student teaching, internship, or apprenticeship program.

(i) To assure adequate supervision, each full-time supervisor shall be responsible for not more than 24 student teachers. (Authorized by, and implementing, Kansas Constitution, Article 6, Section 2; Article 6, Section 2(a) of the Kansas Constitution; effective January 8, 1982; amended May 1, 1984; amended June 1, 1988.)

91-1-101b. Foreign languages. (a) Each applicant for a foreign language endorsement shall have completed a state-approved foreign language program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing students to acquire:

(1) An understanding of the foreign language when it is spoken;

(2) the ability to be conversant in the foreign language, and to demonstrate a command of vocabulary, syntax and pronunciation sufficient to express thoughts clearly and effectively;

(3) the ability to read and comprehend the foreign language when included in text of moderate difficulty and mature content;

(4) the ability to write in the foreign language, using clear and correct vocabulary, idioms, and syntax;

(5) knowledge of the sound systems and structures of the foreign language and English, and the ability to apply this knowledge to foreign language teaching;

(6) an understanding that language is an essential element of culture and knowledge of the principal ways in which the foreign culture differs from our own;

(7) knowledge of the literary masterpieces, geography, history, art and social customs of the countries where the language is spoken;

(8) knowledge of the present-day objectives of foreign language teaching as communication, and the methods and techniques for attaining these objectives;

(9) knowledge of, and the ability to use specialized techniques in instructing foreign language;

(10) knowledge of the relationship of foreign language study to other areas of the curriculum; and

(11) the ability to evaluate professional literature and to apply research findings for foreign language teaching.

(c) Prior to June 1, 1990, any institution may request that its foreign language program be approved by the State Board under the provisions of this regulation.

(d) On and after June 1, 1990, any institution desiring to have an approved foreign language program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988.)

91-1-107a. Library media. (a) Each applicant for a library media endorsement ~~at the elementary, secondary or K-12 level of practice~~ shall have ~~successfully~~ completed a state-approved library media program ~~with which includes graduate level coursework, beyond the baccalaureate degree,~~ shall have a valid teaching certificate and shall be recommended by a teacher education institution.

(b) Approved programs shall ~~enable~~ require students to ~~complete a course of study allowing the students to:~~

(1) Recognize that the school library media program is an integral part of the educational process and recognize the manner in which it contributes to the achievement of school and district educational goals and objectives by:

(A) ~~demonstrating~~ *Demonstrating* an ability to analyze the information needs of the school community; and

(B) writing goals for the school library media program that are stated in terms of local, state, regional, and national guidelines, that reflect the community analysis and that include the media program as an integral part of the school's total educational program.

(2) Recognize that planning is a cooperative effort of district and school library media specialists working with educational staff, students, and other users of library media resources. Each student shall be able to list ways to plan with teachers, administrators, and other library media specialists for a sequential, curriculum-related program of library media instruction.

(3) Demonstrate communication skills necessary to interpret the role of the school library media program to students, teachers, administrators, and the community by:

(A) ~~identifying~~ *Identifying* the role, the users, and user needs of the school library media center; and

(B) identifying and exhibiting communication skills required for successful library media programs.

(4) Demonstrate managerial competencies required

for fulfilling the responsibilities of the library media specialist by:

(A) ~~developing~~ *Developing* policies and procedures for operating a school library media center; and

(B) writing job descriptions for library media specialist, aide, clerk, student, and volunteer.

(5) Demonstrate knowledge of facilities planning and design of school library media centers for optimum utilization. The student shall be able to design a library media center plan which shows adequate and appropriate types of space, equipment, furniture, storage, electrical resources, and safety regulations necessary to provide for maximum use and accessibility by users, including the handicapped;

(6) Demonstrate knowledge of long and short-range budget plans for the library media program by:

(A) ~~designing~~ *Designing* developing and writing budgetary proposals to support the school library media program, utilizing funding from local, state, and national sources;

(B) developing budgets that include funding requests and allocations for the acquisition, maintenance, repair, and replacement of materials, equipment, and supplies to support maximum utilization of the school library media program; and

(C) identifying sources of grants and writing grant proposals;

(7) Recognize that evaluation is a continuous process to determine *the* effectiveness of the school library media program in the context of the school and district educational goals and objectives. The student shall be able to design a plan for continuous evaluation of the effectiveness of the school media program in achieving stated objectives;

(8) Demonstrate ability to assist the administration in the promotion of staff development so that the staff and administration will be committed to using the school library media staff, center, and collection as an integral part of instruction. The student shall be able to identify ways the school library media center can assist teachers in curriculum and lesson planning;

(9) Demonstrate an awareness of existing legal framework dealing with the right of access to information by students and teachers by:

(A) ~~demonstrating~~ *Demonstrating* skills in preparing a selection policy which includes procedures to be used for challenged materials;

(B) explaining how community standards can influence intellectual freedom; and

(C) demonstrating awareness of copyright laws and the restrictions placed on producing, duplicating, and copying media by these laws;

(10) Recognize the interdependence of all types of libraries by:

(A) ~~explaining~~ *Explaining* the use of library networking to meet needs for additional materials not a part of the school library media program; and

(B) demonstrating knowledge of area educational cooperatives and their resources;

(11) Demonstrate knowledge of the importance of the various technologies of instruction by:

(A) ~~demonstrating~~ *Demonstrating* an understand-

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ing of the role of technology, such as microcomputers, telecommunications, data bases, and information networks, in curriculum development; and

(B) recognizing the potential uses of new technology in education and its relationship to curriculum;

(12) Recognize that the school library media specialist acts as a co-designer of curriculum and teaching strategies at building and district levels by:

(A) ~~demonstrating~~ *Demonstrating* knowledge of curriculum at the level library media certification is sought;

(B) demonstrating knowledge of instructional design and curriculum development concepts so that the specialist can work with teachers in creating media for use in the curriculum; and

(C) designing and producing instructional units.

(13) Recognize that a school's media collection represents the essential informational base of the instructional program, and that this collection is based upon organization, collection development, utilization, and evaluation, by:

(A) ~~demonstrating~~ *Demonstrating* knowledge of methods of media organization;

(B) demonstrating knowledge of curriculum and applying this knowledge to the selection of all types of media;

(C) recognizing and utilizing bibliographic tools and other sources that provide information and current reviews of media;

(D) demonstrating knowledge of literature for children and young adults;

(E) demonstrating ability to write specifications for equipment based on the stated needs of the curriculum user;

(F) demonstrating an awareness of trends in publishing;

(G) demonstrating knowledge of publishing sources, producers, suppliers, and related technical terminology which is necessary in evaluating and selecting instructional equipment;

(H) identifying reading and interest levels of users of the school library media program;

(I) teaching skills necessary for retrieval of information and the utilization of materials and equipment in a sequential curriculum-related program of library media instruction that will further lifelong learning; and

(J) designing evaluation tools to assess utilization of materials and equipment.

(14) Recognize the essential contribution of media to the curriculum process by:

(A) ~~operating~~ *Operating* commonly used production equipment;

(B) developing and producing media;

(C) teaching media production skills; and

(D) demonstrating effective use of locally produced and commercially produced media in teaching and learning strategies.

(15) Demonstrate an understanding of the principles of learning and research as they apply to educational technologies by:

(A) ~~demonstrating~~ *Demonstrating* knowledge of current learning theories; and

(B) demonstrating knowledge of research in educational technologies.

(16) Recognize the need for continued professional growth by:

(A) Recognizing the need for self-evaluation;

(B) demonstrating knowledge of sources for continuing education; and

(C) demonstrating knowledge of the importance of participation in the various professional organizations at the local, state, regional and national levels.

(e) ~~This regulation shall take effect on and after May 1, 1986. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a), Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended June 1, 1988.)~~

91-1-110b. Physical education. (a) Each applicant for a physical education endorsement shall have completed a state-approved physical education program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire a working knowledge of the aims and objectives of physical education, and develop curricula to meet those aims and objectives by: (A) Planning programs using the purposes and objectives of physical education; and

(B) describing the values of physical fitness to society and to individuals;

(2) Demonstrate an understanding of physical education from historical and philosophical perspectives;

(3) Acquire a knowledge and understanding of human movement sciences by:

(A) Identifying the structure and understanding the function of the human organism;

(B) understanding the principles of physiological processes and principles involved in efficient motor skill learning and exercise;

(C) understanding the principles of the kinematics of the human body during movement activities;

(D) identifying and applying the relationships between age-related physical changes and physical activity; and

(E) demonstrating a knowledge and understanding of socio-psychological dimensions of physical activity and sport;

(4) Acquire the skills and knowledge necessary to conduct a program of physical education that is appropriate to level of endorsement by:

(A) Identifying and applying skills, techniques, and methodologies associated with physical activities using fundamental motor skills in physical fitness programs, tumbling and gymnastics, individual and dual sports, team sports and games, rhythms, dance and aquatics;

(B) demonstrating the ability to organize and administer interscholastic and intramural programs;

(5) Acquire the ability to care for and prevent minor athletic injuries, and to administer first aid by:

(A) Demonstrating the ability to discriminate between serious and minor athletic injuries;

(B) demonstrating the ability to administer first aid to a wide array of minor injuries;

(C) demonstrating the ability to administer cardio-pulmonary resuscitation to another human being;

(D) demonstrating taping and support procedures for a wide array of minor athletic problems; and

(E) applying the methods utilized in the prevention of athletic injuries;

(6) Acquire skills and knowledge associated with the development of individual physical fitness by:

(A) Demonstrating knowledge of the strengths and weaknesses of lifetime activities for maintaining fitness;

(B) demonstrating the ability to design and implement an individualized physical fitness program; and

(C) identifying risks associated with certain sporting and physical fitness activities.

(c) Prior to June 1, 1990, any institution may request that its physical education program be approved by the State Board under the provisions of this regulation.

(d) On and after June 1, 1990, any institution desiring to have an approved physical education program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988.)

91-1-112a. General science.—general requirements (a) Each applicant for an endorsement in one or more science areas at the secondary level of instruction *general science* shall have successfully completed a state-approved program in general science and meeting the following standards and a state-approved program for the science area or areas for which endorsement is sought, shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of: (A) basic processes, concepts and principles of biology, chemistry, physics, and earth and space science; The course of study shall allow students to acquire the ability to:

(A) demonstrate basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) demonstrate integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science; and

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science.

(2) Acquire knowledge of (B) the cultural, intellectual, and philosophical nature of science; and The course of study shall allow students to acquire the ability to:

(A) describe and demonstrate the application of analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(B) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures within society;

(C) demonstrate that science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application; and

(D) demonstrate through laboratory experiences the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process.

(3) Acquire knowledge of the selection, purchase, safe operation, maintenance, and proper storage of equipment, supplies, and chemicals used in teaching the specific area to be certified.

(4) Acquire knowledge of computers. The course of study shall allow students to acquire the ability to:

(A) Demonstrate an understanding of basic operation and use of computers, and an ability to program in at least one computer language; and

(B) identify, describe and demonstrate strategies and materials for using computers in the classroom.

(5) Acquire proficiency in (C) advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions and probability;

(2) Acquire the ability to: (A) Demonstrate basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) demonstrate integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science;

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science;

(E) describe and demonstrate the application of analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(F) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures within society;

(G) demonstrate that science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application;

(H) demonstrate through laboratory experiences the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process; and

(I) program in at least one computer language.

(e) This regulation shall take effect on and after May 1, 1987. (Authorized by and implementing, Kansas Constitution Article 6, Section 2(a); of the Kansas Constitution, effective May 1, 1985; amended June 1, 1988.)

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91-1-132a. School psychologist. (a) Each applicant for a school psychologist endorsement at the preschool, elementary, middle and secondary levels shall have successfully completed a state-approved graduate degree program and a subsequent one-year, full-time, supervised internship in school psychology, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of basic psychological principles, including:

(A) the relationship between biological principles and psychological functioning;

(B) the manner in which concepts of cultural diversity relate to an understanding of individuality;

(C) ~~discriminating the difference~~ between normal and abnormal child and adolescent behavior using developmental principles;

(D) techniques for identifying and diagnosing conditions of exceptionality;

(E) concepts and processes related to human learning;

(F) basic research methodology as applicable to school-related problems;

(G) the relationship between social setting and the psychological functioning of children and adolescents; and

(H) an understanding of statistical analysis;.

(2) An understanding of the role of a school psychologist as a part of the educational team, including:

(A) ~~curriculum~~ Curriculum design and administrative organization in the education of normal and exceptional children;

(B) identifying and demonstrating an understanding of selected instructional and remedial techniques;

(C) the culture, organization, and operation of schools; and

(D) the influence of federal, state and local laws and regulations on education;.

(3) Knowledge of learning difficulties with appropriate assessment strategies. ~~The course of study shall allow students to acquire including~~ the ability to:

(A) ~~conduct~~ Conduct comprehensive psycho-educational assessments;

(B) write complete and comprehensive psychological reports; and

(C) describe and demonstrate skills in the use of observational techniques, multidisciplinary resources, and informal data collection;.

(4) The ability to develop and implement intervention strategies to deal with educational and psychological problems manifested by children in schools. ~~The course of study shall allow students to acquire including~~ the ability to:

(A) design and implement programs to deal with group and individual problems which interfere with the learning process;

(B) participate in interpersonal communication activities to build consultative relations with children, parents, educators, and others;

(C) participate in interpersonal communication ac-

tivities to collaborate with others in developing appropriate individualized education programs which include utilization of psychological information;

(D) identify and describe special schools, special services and other agencies which provide resources; and

(E) demonstrate skills in individual and group counseling;.

(5) The ability to use evaluation strategies to establish the effectiveness of educational programs in meeting the needs of school children;.

(6) Knowledge of professional issues, standards, and ethics in school psychology, including:

(A) ~~the~~ The ethical and professional standards for psychologists and school psychologists;

(B) the relationship between laws and court decisions and the practice of school psychology;

(C) different models, concepts and current issues concerning the practice of school psychology; and

(D) state department of education regulatory documents and guidelines pertaining to the practice of school psychology;

(7) The skills necessary for effective functioning as a student school psychologist in a supervised practicum in a school setting. ~~The course of study shall allow students to acquire including~~ the ability to:

(A) ~~perform~~ Perform the various tasks of a student school psychologist utilizing the competencies above;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience program involving all levels of education, preschool through secondary. At least part of the approved work experience shall be obtained in a school setting;.

(8) The ability to function effectively as a professional school psychologist in a supervised, full-time internship for one academic year. ~~The course of study shall allow students to acquire including~~ the ability to:

(A) ~~demonstrate~~ Demonstrate ability to assume full responsibility as a practicing school psychologist;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience with all levels of education, preschool through secondary, and provide a full range of services and educational experiences for exceptional and regular children. At least 50% of the approved work experience shall be in a school setting.

(c) ~~A one-year endorsement shall be recommended by a training institution.~~ Provisional endorsement.

(1) Individuals who have completed a state-approved graduate degree school psychologist program shall be eligible for a one-year provisional endorsement upon the recommendation of the teacher education institution.

(2) Renewal of a provisional endorsement shall be granted on a yearly basis upon submission of an application and fee. The provisional endorsement shall be renewed to a five-year endorsement upon completion of two semesters of full-time supervised internship in school psychology and the recommendation of the teacher education institution.

(3) Individuals holding the one-year provisional

endorsement shall only be authorized to serve as a school psychologist in an internship capacity.

(d) ~~This regulation shall take effect on and after May 1, 1987.~~ (Authorized by, and implementing, ~~Kansas Constitution~~ Article 6, Section 2(a), of the ~~Kansas Constitution~~; effective May 1, 1985; amended June 1, 1988.)

91-1-146d. Renewal of certification based upon inservice education. (a) Any certified applicant who is employed by an education agency having a state-approved inservice education plan on file with the Kansas state department of education may prepare an individual development plan. This individual development plan shall:

(1) Include sequential instructional experiences designed to improve performance in an area of certification or include courses in a planned program leading to a new endorsement;

(2) reflect the job-related needs of the individual;

(3) correlate with the needs and goals of the education agency;

(4) result from cooperative planning with a designated supervisor;

(5) be signed by the employee;

(6) be signed by the supervisor, if the supervisor and the employee are in agreement;

(7) be reviewed and approved by the council, based upon guidelines adopted by and available from the state board; and

(8) be reviewed and approved by the governing body of the education agency.

(b) Area professional development centers providing inservice education for certification renewal shall provide the inservice education through a local school district, an accredited non-public school, an institution of postsecondary education or another education agency which has a state-approved inservice education plan.

(c) Renewal of certification based upon inservice education shall require:

(1) Each individual whose highest degree is a baccalaureate degree to have experiences worth at least 160 inservice education points during a five-year period, half of which shall be college or university credit;

(2) ~~Each~~ *each* individual having a master's degree or other advanced degree shall have experiences worth 120 inservice education points during a five-year period; and

(3) ~~Experiences~~ *experiences* worth at least 100 inservice education points during a five-year period for a renewal of a substitute teaching endorsement.

(A) A substitute teacher may earn all 100 points through inservice education.

(B) A substitute teacher employed for any period of time by an education agency having a state-approved inservice education plan may participate in that district's inservice education plan.

(d) An application for renewal of a certificate based upon inservice education shall be accompanied by verification by the governing body of the education

agency that the inservice credit is valid for renewal of a certificate.

(e) An applicant who is not eligible under subsection (a) of this regulation for renewal of a certificate using inservice education ~~or whose certificate has lapsed~~ shall meet the provisions of S.B.R. 91-1-30(b) for the renewal of a certificate. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended June 1, 1988.)

91-1-146e. Expenditures for the inservice education program. (a) Education agencies may receive inservice education funds for the following expenditures:

(1) Consultant fees and honorariums;

(2) travel expenses for consultants;

(3) cost of materials used in training;

(4) salaries of substitute teachers for certified staff who have filed an individual development plan, but such salaries shall not exceed 25% of the total inservice education expenditure;

(5) registration fees for, and travel expenses to, inservice workshops and conferences, both in-state and out-of state, for certified individuals who have individual development plans on file; and

(6) salaries of secretarial personnel time, but such salaries shall not exceed the amount of one hour of secretarial wages for each certified employee having an approved individual development plan on file.

(b) Education agencies shall not receive inservice education funds for the following expenditures:

(1) rental of facilities;

(2) utilities;

(3) equipment;

(4) administrative expenses; and

(5) salaries of teachers attending inservice workshops or conferences, or the salaries of council members. (Authorized by and implementing K.S.A. 72-9603; effective May 1, 1988.)

91-1-147. (Authorized by, and implementing ~~Kansas Constitution~~ Article 6, Section 2(a) of the ~~Kansas Constitution~~; effective May 1, 1983; revoked May 1, 1988.)

KANSAS STATE BOARD OF EDUCATION
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